United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/441
10 March 1993

COMMISSION CONTINUES OVERALL DEBATE ON HUMAN RIGHTS VIOLATIONS

GENEVA, 3 March (UN Information Service) -- Representatives of more than 30 non-governmental organizations this afternoon drew the attention of the Commission on Human Rights to alleged violations of human rights in various parts of the world.

Some of the violations were said to be occurring in countries whose human rights situation was already under the scrutiny of the Commission's special rapporteurs. In other cases, speakers called for the dispatch of investigation teams or the appointment of special rapporteurs.

The Commission was urged to appoint a fact-finding mission to investigate reports of mass rape, torture and other violations in Kashmir. It was also requested to send a similar investigation mission to Papua New Guinea. Several speakers expressed serious concern about the situation in East Timor and said the Commission should urge Indonesia to comply with United Nations resolutions and withdraw from that territory.

Numerous non-governmental organizations, in a joint statement, drew the attention of the Commission to the problem of widespread and indiscriminate use of anti-personnel landmines, which were often designed and used to mutilate. Hundreds of thousands of civilians had been mutilated or killed in the last few years in many countries, in particular in Afghanistan, Cambodia, Angola and Mozambique, the Commission was told.

The representatives of the following States participated in the debate: Poland, Viet Nam, Norway, Romania, Republic of Korea, Armenia, Greece, Kuwait, Haiti and Ethiopia.

Speakers for non-governmental organizations included the representatives of: International Commission of Jurists, International Federation Terre des Hommes (speaking also on behalf of the World Student Christian Federation), World Union of Catholic Women's Organizations, African Association of Education for Development, Defence for Children International, Liberation, International League for the Rights and Liberation of Peoples, Centre Europe Tiers Monde, Disabled Peoples International, International Educational Development, International Fellowship of Reconciliation, American Association

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of Jurists, International Immigrants Foundation and Women's International League for Peace and Freedom.

The speakers also included representatives of World Federation of: Methodist Women, Pax Christi International, Third World Movement against Exploitation of Women and World Conference on Religion and Peace International, Arab Organization for Human Rights, Lawyers' Committee for Human Rights, Women's International League for Peace and Freedom, International Union of Young Christian Democrats, Anglican Consultative Council, World Muslim Congress, International Work Group for Indigenous Affairs, Christian Democrat International, World Federalist Movement, Service, Justice and Peace in Latin America, International Association of Democratic Lawyers, International Association of Educators for World Peace, and World Social Prospects Association.

Statements were also made by representatives of: International Fellowship of Reconciliation, Inter-Parliamentary Union, Pax Christi International, Pax Romana, Union of Arab Jurists, Asian Cultural Forum on Development, World Federation of Trade Unions, Socialist International, World Organization against Torture, International Movement for Fraternal Union among Races and Peoples, International League for Human Rights, International Association for the Defence of Religious Liberty, International Confederation of Free Trade Unions, Survival International, International Educational Development, and Liberation.

The representatives of Sudan, Syria, Rwanda, Iraq, Algeria, Cuba, India and the Democratic People's Republic of Korea spoke in the exercise of the right of reply.

Statements

PIOTR DARANOWSKI (Poland) said the International Bill of Human Rights was based on a clear assumption that the human being was always weaker in confrontation with the powerful State -- that human rights were fragile and sensitive. But the International Bill did not put the individual against the State. It specified an equilibrium between the interests of the State and of the individual. The strict observance of that equilibrium should prevent any human rights violation. Consequently, he refused to accept that State sovereignty could be used as a shield for any country to carry out violations of human rights. The condition of human rights depended primarily on the domestic framework for them. Therefore, setting up a democratic order of State and adoption of the rule of law were indispensable preconditions for human rights protection.

Combating human rights violations belonged to the hard core of the Commission's responsibilities, he said. He strongly favoured strengthening scrutiny by the Commission of areas where human rights violations occurred. That function should be closely connected with the development of early warning and monitoring mechanisms. All countries, big and small, should be treated on an equal footing and should accept the legitimate concern of the international community. The refusal to cooperate with the Commission's

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representatives was to be classified as non-compliance with international obligations. The further classification of patterns of grave human rights violations and their sources should facilitate the elaboration of methods serving to combat them.

NGUYEN VAN SON (Viet Nam) said the 1992 Vietnamese Constitution emphasized human rights -- there was a whole chapter on the subject. Criminal and penal codes had been revised to protect human rights. There were no political or religious prisoners in Viet Nam. The path to reform, none the less, was a long and difficult one, especially for developing countries such as his own, which was just emerging from a long war. International support was a great help. Vietnamese now living in Cambodia were being mistreated; acts of repression and massacre there had to be stopped. Cambodia must adhere to its agreement with Viet Nam to solve such problems in good faith, through bilateral negotiations.

HAAKON B. HJELDE (Norway) said an increasing recognition of the need to see human rights as an integral component of peace and security had been reflected in several recent Security Council resolutions, most particularly in regard to the tragic developments and abhorrent violations in the territory of the former Yugoslavia. He strongly endorsed the decision of the Security Council to establish an international ad hoc tribunal for the prosecution of persons responsible for serious violations of international humanitarian law in the former Yugoslavia. In Europe, the marked increase in racial hatred and xenophobic violence among the population was deeply disturbing and called for immediate, as well as long-term, sustained attention. He fully supported the setting up of a new mechanism under the Commission on Human Rights on measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance.

In Iraq, he said, well-documented information continued to reveal a persistent pattern of massive violations of human rights. In Iran also, the human rights situation caused continued concern. He was further deeply concerned over human rights violations in Somalia, Angola, Zaire, South Africa, North Korea, Myanmar, China, Sri Lanka, El Salvador, Guatemala, Cuba, Peru and Haiti.

ROMULUS NEAGU (Romania) said his country had come a long way since early 1989, when the decision was taken to appoint a Special Rapporteur, and last year, when it had been agreed by consensus, not to further pursue that procedure. Due to the multifarious hardships characteristic of the transition to democracy, Romania had to work on building the institutional framework for protecting human rights. There were still isolated problems, but much more could be achieved by ceasing to resort to confrontational stands, by refusing to engage in futile polemics, and instead by jointly seeking mutually beneficial solutions.

The Romanian Institute for Human Rights had lately benefited from multiple assistance from the Voluntary Fund for Technical Cooperation in the Field of Human Rights and from the Centre for Human Rights, he said. The country had had a particularly fruitful experience in cooperating with the

Centre in the implementation of a long-term country programme of advisory services and technical assistance. Romania was resolutely pursuing its course of integration, and there was no turning back.

PARK SOO GIL (Republic of Korea) said that with Korea's democratization had come a renewed commitment vigorously to pursue the protection of human rights in all aspects of Korean society. His country welcomed continued improvement of human rights in Eastern Europe and in some parts of Africa and Latin America, where free elections had been conducted or were in preparation. But Korea had expressed grave concern about the repeated human rights violations in certain countries and had called upon the concerned Governments to take appropriate measures. He deplored continued human rights violations in those countries and strongly urged those involved to take immediate steps to guarantee the fundamental freedoms of their citizens.

He was concerned, he said, that the few totalitarian regimes still surviving in the aftermath of the cold war's collapse continued to be major sources of human rights violations. It was particularly disturbing that, due to their lack of openness, the suppression of basic human rights by those regimes was beyond international scrutiny. The Secretary-General's suggestion that he be authorized to bring massive human rights violations to the attention of the Security Council, with action-oriented recommendations, merited urgent attention. The Korean Government was considering hosting a regional Asia-Pacific workshop on human rights issues in the near future. Human rights should be given a higher priority on the agenda of the United Nations. The Centre for Human Rights needed more manpower and funding.

VAHRAM ABAJIAN, observer for Armenia, said he regretted that the people of Karabakh did not enjoy their rights to self-determination in accordance with the Charter. The people of that region were obliged to resort to extreme means of self-defence. The authorities in Azerbaijan did not want to admit that there was a limit to the people's patience. It was to be recalled that the people of Karabakh, in a referendum held on 10 December 1991, had opted for self-determination in order to conserve its identity and history through independence. But the authorities in Azerbaijan were sparing no effort to repress the aspirations of the people. The aggression carried out by Azerbaijan against Karabakh had victimized many people on both sides. International human rights instruments must be respected in that region.

EMMANUEL I. GHIKAS, observer for Greece, said his country had hoped there would no longer be a need to talk of human rights violations in Cyprus this year. Unfortunately, those hopes had been bitterly disappointed. The efforts made by the Secretary-General, with the full support of President George Vasiliou, to find a solution which would put an end to the human rights violations, had not achieved their intended goal. It was most deplorable that Turkey, the foremost champion of international legality and respect for Security Council resolutions in the case of Bosnia and Herzegovina, should flout in such a bold manner the resolutions of the same Security Council when they were perceived to run contrary to its interests and aims.

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Nineteen years after the invasion of Cyprus, he said, the people of Cyprus still had to live with the tragic consequences of the ethnic cleansing carried out by the invading Turkish army. The refusal to allow some 200,000 people to return to their ancestral homes constituted the most serious and blatant human rights violation. Invaluable art objects continued to be smuggled out and villages and geographical names were being changed. It was imperative that Turkey be made to comply with resolution 1987/50 of the Commission, as well as with all other relevant resolutions of the United Nations.

M.S. AL-SALLAL, observer for Kuwait, said the problem of Kuwaiti prisoners still held in Iraq constituted a clear human rights problem. The crimes of the Iraqi regime during its occupation of Kuwait had affected Kuwaitis both inside and outside the country. There had been many cases of torture. Iraq continued to detain Kuwaitis in defiance of United Nations resolutions. The Commission, now more than ever before, had to join the efforts of the Security Council, the International Committee of the Red Cross (ICRC) and others and transmit a clear message to the Iraqi regime by adopting a resolution addressing the fate of Kuwaiti detainees in Iraq and requesting that the ICRC be allowed to visit them. He appealed to the Commission to put an end to the suffering of the prisoners and their families.

J.P. ANTONIO, observer for Haiti, said the legitimate Government of his country was grateful for the Special Rapporteur's work, which had outlined the nightmare situation in Haiti. Even priests, nuns and monks working in urban and rural areas had been arrested and humiliated. The funeral of victims of the recent shipwreck had been disrupted by soldiers in uniform and by armed civilians. Monsignor Willy Romelus was thrown to the floor and saved only by the intervention of international observers. Faculties and students had been harassed and arrested. It was dangerous merely to read a newspaper or listen to the radio, and journalists were arrested and assaulted. Members of human rights groups were also targets of violence. The only solution was the return of Haiti's stolen democracy. Those responsible for violent crimes must be identified and punished.

MULUGERTA ZEWDIE MICHAEL, observer for Ethiopia, stated that over the past 19 months and since the adoption of the Transitional Period Charter in July 1991, there had been concrete progress in the area of human rights in his country. The Ethiopian people were enjoying a wide range of civil and political rights, including the right to vote and to be elected and to participate directly in their own regional affairs. Ethiopians also enjoyed freedom of speech, press, assembly, association and demonstration, as well as the right to publication. The transitional Government had established a Special Prosecutor's Office and an independent judiciary for dealing with the cases of detained officials of the defunct regime. The process of trying those detainees, which had begun last month, was now under way at various branches of the Central High Court. Those detainees had been top policy-makers of the former Government and party leaders who would be charged with serious crimes of genocide, summary or arbitrary executions, torture,

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forced disappearances and other forms of mass violations of human rights. His Government, however, had taken appropriate measures to ensure respect for their rights.

ADAMA DIENG, of the International Commission of Jurists, said the list of countries in which gross violations of human rights occurred included countries that suffered from different ailments. Some had Governments confronted with destabilizing and violent opposition, others were authoritarian States whose only claim to authority was oppression, and still others were countries teetering on the brink of civil chaos. All, despite their differences, violated fundamental human rights. He cited Algeria, Angola, Colombia, Myanmar, Peru, Morocco and Zaire. His Commission also remained concerned with grave violations of human rights in Papua New Guinea, Guatemala, East Timor, Equatorial Guinea, Haiti, Sudan and Togo. Many of the Governments of those countries were threatened by violent opposition. The Commission was concerned by the abuses of human rights committed by opposition forces.

ELLEN LACOURT, of International Federation Terre des Hommes, speaking on behalf of 17 non-governmental organizations, drew the attention of the Commission to a problem that she said some had called the "coward's war", namely the proliferation and indiscriminate use of anti-personnel landmines throughout the world. It was a true programmed massacre, a campaign of murder and mutilation of the poorest and the most vulnerable. In Afghanistan, during 14 years of war, more than 10 million anti-personnel landmines had been laid, she said. Those mines had so far injured 400,000 people and had killed 200,000. In Cambodia, anti-personnel landmines had caused 36,000 amputations in 10 years and as many deaths. In Angola, after 15 years of war, at least 20,000 people had had amputations following landmine accidents. In Mozambique, there were at least 10,000. Many of those victims were women and children. Anti-personnel landmines were also being used in Bosnia and Herzegovina and in Somalia, where United Nations personnel had also fallen victim to them. Those mines were designed and used essentially to mutilate, not to kill.

She recommended that all Member States of the United Nations be invited to declare a five-year moratorium on the production, sale, transfer and export of anti-personnel landmines and, during that period, to convene an emergency conference with the aim of totally banning the mines.

ADIB AL-JADIR, of the Arab Organization for Human Rights, said that Israel had recently expelled a large number of civilians from Palestine, in violation of international standards. Israel violated human rights with total impunity. If human rights were inviolable, there should not be two standards. If expulsion was a violation of the Fourth Geneva Convention, why was Israel allowed to do it when other countries were not? he asked. The United States continued to bombard Iraq. The people of Iraq were already suffering too much under a totalitarian regime and under the international embargo. In Saudi Arabia, decrees and laws supposedly protecting human rights did not meet international standards. The same was true of recent legislation in Morocco.

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WILLIAM M. O'NEILL, of the Lawyers' Committee for Human Rights, spoke of three situations in which, despite the continuing close scrutiny of the Commission, grave violations of human rights continued. In Iran, human rights violations persisted, including the use of the death penalty after trials which did not meet international standards, he said. In Myanmar, continuing serious and widespread violations of human rights were committed by the ruling State Law and order Restoration Council, including unlawful arrests, torture, long-term detention without trial and unfair trials. In Haiti the human rights situation was catastrophic. Just last week, worshippers were attacked in full view of the Port-au-Prince police at a Mass for the hundreds who had drowned in a shipwreck. The Commission should condemn the failure of certain Governments and ruling authorities to cooperate with individuals appointed by it to examine the human rights situation in a given country. The Commission should evaluate and act on all situations where there were gross violations of human rights. It was time to focus on Malawi, Sudan and Peru.

V. MENDIZABAL, of the Women's International League for Peace and Freedom, said that daily in Colombia fundamental rights were disappearing for many people. Street children, prostitutes and homosexuals were being murdered, and there had been 967 cases of disappearances reported in 1992. Colombian society should no longer accept that state of affairs. The Commission had to adopt concrete measures to compel the Colombian Government to live up to its obligations under the international Human Rights Covenants.

A. UREIZTIETA, of the International Union of Young Christian Democrats, said the situation in Iraq had not improved since last year's meeting. There was still a merciless institutionalized policy of repression. There were executions, abductions, cases of torture and persecution based on religion. There would be no solution without a pluralist, just regime in that country. Iraqis still hoped the world would help them out of their difficulties. The Kurds were being exterminated in the north. Millions of mines placed by Iraq continued to kill and mutilate people in the north. An international court of justice should be established to try those committing human rights crimes in Iraq.

W.L. WIPFLER, of the Anglican Consultative Council, said the very Government which had been so adamant in compelling Iraq's compliance with United Nations resolutions -- to the point of massive armed intervention -- had done very little to require Indonesia's compliance with United Nations resolutions concerning its invasion, occupation and brutal repression of East Timor. Last year, the Commission had heard the shocking reports of the 12 November 1991 massacre. Nevertheless, sponsors of a draft resolution had withdrawn it from consideration because they seemed to be convinced that the Government of Indonesia would seriously investigate the massacre and that appropriate disciplinary measures would be taken against the perpetrators of the horror.

The investigation that was promised was a travesty of justice, he said. The situation of the disappeared had never been clarified and the situation for humanitarian and human rights organizations seeking access to East Timor had become even more restrictive than it was at the time of the Commission

meeting. It was time for the Commission to call on Indonesia to withdraw from East Timor. It was time for Indonesia to understand that it had a responsibility before the world community to observe internationally accepted standards of human rights.

ATTIYA INAYATULLAH, of the World Muslim Congress, said that only yesterday, repressive and non-democratic Presidential rule had been extended in Kashmir yet again for the fourth year running by the Indian Government. Numerous atrocities including rape, were being committed by Indian occupation forces in Kashmir. She was therefore surprised to hear from the Indian representative last evening that alleged incidents of rape in Kashmir had been investigated and found baseless. She said reports of impartial organizations, including Amnesty International had found otherwise, and cited the report of the Working Group of Enforced or Involuntary Disappearances in which women in Indian-occupied Kashmir were mentioned as particularly vulnerable to systematic rape; the regularly released reports of two Indian human rights organizations; and the South Asia Human Rights Documentation Centre, New Delhi. The world community should act to prevent the barbarity. The Commission should send a fact-finding mission to Kashmir to visit both occupied and free Kashmir; move for the appointment of a United Nations observer group in Indian-held Kashmir; call upon India to open Kashmir forthwith to international media and human rights group monitoring; and support the setting up of a crimes against Kashmiris tribunal by the Security Council.

MOSES HAVINI, of the International Work Group for Indigenous Affairs, said that since the convening of the Commission, three Bougainvillean men had been tortured and then summarily executed. An Australian human rights lawyer, Rosemarie Gillespie had filed a horrifying report on details of killings in Bougainville. On another occasion, in June 1992, the Papua New Guinea De Force (PNGDF) at Kaparo village set fire to houses where people were sleeping. Amnesty International had filled 56 pages with such atrocities in their last report in 1991. Papua New Guinea was systematically destroying villages, schools, hospitals, churches, culture, freedom, island and people. Papua New Guinea was now committing the modern day practice of ethnic cleansing in the name of what they called a "mopping up exercise" as they sought to impose military rule over the Bougainville people. The Commission should seek immediate access from the Papua New Guinea Government for a fact-finding mission to Bougainville.

C. SLESZYNSKA, of the Christian Democratic International, said the international community should deal with Governments in an honest and straightforward way so that they would be willing to solve their human rights problems. In Latin America, El Salvador and Guatemala had spent the last decade passing from dictatorship to democracy. Progress with human rights was slow. In El Salvador peace had been established, but violence continued in Guatemala. Human rights attorneys had been appointed in both places, and those officials worked with objectivity and courage. Punishment of human rights violators was still necessary, especially those in the military.

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Still, in Guatemala, the President was making significant efforts to establish peace and protect human rights. The Commission could help him by suggesting precise measures and clear time-frames.

M. MILOSEVIC, of the World Federalist Movement, spoke of violations of the rights of Serbian communities in the neighbouring states of Yugoslavia. In Croatia, since 1990, he said, 70,000 Serbs had been forced to flee to the Serbian Republic of Krajina or to Serbia. Many Serbian houses were destroyed and their businesses shut down. Only 80,000 Serbs still remained in Croatia. He asked for the establishment of a human rights inquiry commission in Croatia, and that the situation of the Serbian minority in Macedonia be monitored. There were also Serbian communities in Slovenia, Hungary and Romania. The Serbian minority of Albania was the most persecuted minority in Europe, he said. The size of that minority had decreased over the years and since 1945, it had not benefited from any minority rights. Serbs could not use their language or practice their religion in Albania. Serbian minorities in neighbouring countries should have the same rights as minorities living on Serbian territory.

V.A. BLAKE, of Service, Justice and Peace in Latin America, spoke of human rights violations in Peru and said that in 1992 a new massacre was perpetrated in the Miguel Castro prison. In that same year, 286 cases of disappearances were registered. Human rights were also violated in Honduras, where individuals were arrested on suspicion of belonging to Frente Ferabundo Marti para la Liberation National (FMLN). Arbitrary arrests were also reported in El Salvador, Panama, Nigeria and Ethiopia. He called upon the Commission to study mechanisms that would make accountable those Governments with records of human rights violations.

R. BRIDEL, of the International Association of Democratic Lawyers, said the United Nations Peace Plan for the Western Sahara provided for the organization of a referendum, and the Polisario Front was waiting for the implementation of the plan. In the meantime, violent repression was being committed against those who were fighting for the freedom of their country. In Haiti, since the coup d'état, 40,000 people had tried to escape. Many of those fleeing by boat either died, disappeared or were returned by the United States Coast Guard. President Bill Clinton had at first expressed opposition to the repatriation of the Haitian refugees, but had recently changed his mind. The Commission should urge the United Nations High Commissioner for Refugees (UNHCR) to protect those refugees, and to make sure that the message of President Aristide was heard. She also asked for the appointment of a special rapporteur on the situation of human rights in Guatemala.

E. DIAZ-VERSON AMOS, of the International Association of Educators for World Peace, said special attention should be drawn to the situation of political prisoners in Cuba. Medical attention to the inmates was gravely deteriorating. Prisoners were also subjected to humiliation and other forms of reprisal. The Cuban people were not allowed to defend their rights. Paulo Valiente, an individual who had shouted "Cuba libre" in public was a victim of Cuban repression.

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MARTIN MALUZA, of World Social Prospects Association, said that, for the last three years, entire populations in Africa had been rising up against the last strongholds of oppression and dictatorship. That fight for the establishment of the rule of law had, unfortunately, turned into a tragedy in most of the countries concerned. The most flagrant case was Togo. Arbitrary and summary executions, arrests and disappearances had increased since 1991. Just as in Zaire, the perspectives for democratization were blocked by a repressive machinery. Angola was also an example of a country where people hung on to power. His organization was further concerned about the escalation of violence in Somalia. In the Sudan, it was no exaggeration to talk of ethnic purification on a religious basis. He also drew attention to human rights problems in Guinea. If immediate solutions were not found, entire regions of Africa would fall into anarchy and chaos.

DAVID LITTMAN, of the International Fellowship of Reconciliation, speaking about the human rights situation in Myanmar, said that political detainees were routinely sentenced to long prison terms and were frequently held in solitary confinement and incommunicado for months, even years. They were subjected to torture and beatings, and denied adequate food and water. The ICRC had been denied access to the prisoners. From 1988 to 1992, about 100,000 villagers had fled to Thailand and many others to China, India and Bangladesh. The prime cause of that mass exodus had been the terror tactics of the Myanmar army in pursuit of a policy of "ethnic cleansing".

MARIE-CLAUDE LaROSE, of the Inter-Parliamentary Union, said her organization was particularly interested in the defense of the rights of parliamentarians. Indonesia, Bulgaria, Haiti, Myanmar and Turkey had been the subjects of resolutions adopted by the interparliamentary council, the plenary organ of her organization, which had incessantly exerted pressure on the authorities of some countries, in particular Colombia and Honduras, where parliamentarians had been assassinated. However, judicial inquiries had not been undertaken. In the face of the impunity from which the authors of these crimes benefited and given the lack of action on the part of Governments to investigate, could one not assume the co-responsibility of the State? she asked.

JACQUES VITTORI, of Pax Christi International, spoke of the ill-treatment of the leader of East Timor resistance by the Indonesian authorities, and said his organization denounced the double standards of the Security Council in the application of its decisions. The resolutions against Iraq were strictly implemented while the resolutions on Indonesia remained unenforced. The abhorrent violations of human rights of the Muslims in Yugoslavia were to be condemned. Equally intolerable was the action of extremists of Islam in calling for the assassination of Salman Rushdie. He called for an inter-religious dialogue in respect for human rights.

MACRAM MAX GASSIS, of Pax Romana, said the Christian Church leadership in the Sudan had found itself in direct conflict with that of the State. The Church itself had become a victim of human rights abuse as early as 1962, when the then military regime of General Ibrahim Abboud had decreed the Christian Churches Missionary Societies Act. Under that Act, all Christian missionaries

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were expelled en mass from the country. Since 1989, when the present regime had seized power in a military coup d'etat, the human rights situation for all the people of Sudan and for the Christian churches of the country had markedly deteriorated. Mass arrest, torture, extra-judicial executions, had become the order of the day. The State ran what were now popularly known as "ghost houses" where torture and secret executions were carried out. Food was being used as a weapon against the civilian population. Recently, the towns of Juba and Malakal had witnessed untold atrocities by Government forces. The Christian churches all over the country had suffered the worst persecution in their history. Sudanese priests, nuns and catechists were constantly harassed by the security forces. The Christian leaders were ready to play their role in the process of peace through honest dialogue based on justice.

ELIAS KHOURI, of the Union of Arab Jurists, speaking on behalf of 26 non-governmental organizations, said the Commission should take appropriate decisions to alleviate the sufferings of the Iraqi people because of the cruel embargo imposed upon them. The non-governmental organizations were deeply concerned about the humanitarian situation in Iraq following the embargo declared by the Security Council. Human rights violations were aggravated by the embargo, which inflicted considerable damage on the population. Because of the embargo, social, cultural and economic rights as well as the right to life of the population, were denied. Since the embargo was declared two-and-a-half years ago, infant mortality had gone up by 400 per cent. Iraq was deprived of all means and resources of reconstruction and agricultural development.

SHIVA KUMAR PRADHAN of the Asian Cultural Forum on Development, said she was a citizen of Bhutan now living in a refugee camp in Nepal. She was compelled to leave her country in August 1990 due to her opposition to the Government policies of racial discrimination and ethnic cleansing that had been targeted against the Nepali-speaking ethnic community in the southern part of Bhutan. In September 1991, the Government, through its propaganda booklet entitled "Anti-national activities in southern Bhutan, a terrorist movement", had declared her to be an illegal immigrant. Furthermore, the Government had declared more than 100,000 persons -- about one sixth of its total population -- to be illegal immigrants. The eviction of people was continuing even today. The ethnic policy of the Government was to declare as many southern Bhutanese as possible as illegal immigrants and evict them from the country as part of a systematic policy of racial discrimination and ethnic cleansing. The human rights situation in Bhutan was no less pathetic than the situation in former Yugoslavia or Myanmar. However, the world seemed to be turning a blind eye on Bhutan, failing to express the same concern that it did in other parts of the world. She urged the Commission to investigate the plight of the victims of ethnic cleansing and other human rights violations in Bhutan; and to appeal to the Government of Bhutan to stop its policies of racial discrimination and ethnic cleansing, including the systematic pattern of gross violations of human rights.

DANIEL RETUREAU, of the World Federation of Trade Unions, recalled that Sudan had been under a state of emergency for many years, and said that repression, torture, assassination and arbitrary imprisonment continued since

the Islamic National Front took power on 30 June 1989. Workers were restricted from freely choosing their union leaders. The Government had created a climate of fear through intimidation and repression. Similar cases were observed in Colombia, the Philippines and Cyprus, where assassination of union leaders and members was taking place.

OSCAR ALVAREZ, of Socialist International, said that, at a recent meeting, his organization had suggested that Cuba move to a multi-party democracy without outside pressure. He appealed to the United States to lift the blockade against Cuba. Numerous reports on the human rights situation in recent years had confirmed that serious violations, in particular of civil and political rights, occurred in Cuba. The situation posed dangers for Cuba, the Caribbean countries and the United States. There was a potential for violent crisis. The Cuban Government together, with the international community, had to adopt a new attitude which would lead them to work together towards the removal of obstacles to the enjoyment of human rights in Cuba.

BELEN MOLINA, of the World Organization against Torture, said the situation of human rights in El Salvador had improved, but certain problems remained. The problems were both economic and political. She was seriously concerned about the situation in Zaire, where massive and systematic violations were the result of the political climate of crisis. The situation in Rwanda was equally serious. There were armed confrontations with social, ethnic , political and religious groups as well as violence against the civilian population. She also spoke of cases of disappearances in Ethiopia, illegal detention as well as summary executions in Guatemala, and the deterioration of the situation in Colombia.

D.L. ONDO AYANG, of the International Movement for Fraternal Union among Races and Peoples, said the regime in Equatorial Guinea had subjected the country to a dictatorial political system where repression was the order of the day. The authorities who took power in a coup d'etat in 1979 were hampering the process of constitutional reforms, which was a prerequisite of the people's full enjoyment of human rights and fundamental freedoms. Since 1 November 1991 laws were enacted to strengthen the regime. The political parties legalized by the Government were confined to the capital city and were restricted from any activities outside the capital.

LEXIE BROCKWAY POTAMKIN, of the International League for Human Rights, said the military Government of Myanmar had made the violation of international norms prohibiting racial discrimination one of the pillars of its domestic policy. The Government had emphasized its Burman character and sought support among the Burmans while attacking the ethnic minorities. Citizens of Myanmar were divided into three unequal groups based on ethnic background consisting of Burman Burmese, Burmese ethnic minorities and persons of mixed Burmese and foreign ancestry. Persons had to prove their ancestry from the nineteenth century in order to qualify for identity papers, a measure which particularly penalized the Rohingya Muslim community. Racist criteria were used in the allocation of identity cards, which were required for all important transactions. Health care in Myanmar was appalling, with polio, malaria, hepatitis and HIV rampant. Infant mortality was extremely high and

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education, especially at the secondary and university levels was virtually non-existent.

Referring to the situation in other countries, she said the Commission should call upon the Government of Guatemala to immediately disarm and abolish the civil patrol system and to sustain and develop a police force independent of the military in order to uphold the law and investigate human rights violations. The Commission should also appoint a special rapporteur to enquire into human rights violations in Somalia.

C. ROSSI, of the International Association for the Defense of Religious Liberty, said there was an increase in violent religious movements, which violated human rights by imposing their views through the use of force. There were also States which demonstrated religious extremism and violated many rights, including the right to life. The penal code of some States used a death sentence to punish those who tried to change their religion. That was clearly a manifestation of religion which was incompatible with human rights. The right to freedom implied the right to change one's religion. The Commission could not remain silent in regard to such situations. In addition to Saudi Arabia, now Mauritania and Sudan also imposed a death penalty on those who changed their religion. Iran's condemnation of Salman Rushdie was also well known. Religious extremism was a real threat to international stability.

DAN CUNNIAH, of the International Confederation of Free Trade Unions, expressed deep concern over the situation in which the Sudanese trade union members were found and the repressive treatment they received from the military regime in place since June 1989. One of the major objectives of the regime, he said, was the destruction of Sudan's historically strong and independent trade union movement. That aim was initially pursued through a series of decrees dissolving all existing trade unions, confiscating their assets and prohibiting all union activities.

Malawi stood out as a second prominent example of an African country unaffected by the important tide of democratization in the continent, he said. Trade unionists had played a leading role in promoting changes and had been among the first to feel the backlash of the repression.

DENIS VON DER WEID, of Survival, said the reports in early 1993 that large numbers of Nuba villagers had been massacred at Jebel Heiban in the Nuba mountains were the latest in a series of accounts of atrocities by Government forces in the Sudan against politically marginalized peoples. Despite international condemnation of its behaviour, the Government appeared to be pressing ahead with policies that displaced and destroyed the social fabric of hundreds of thousands of innocent civilians. The Nuba mountains were closed to outside observers, while Government-armed militias and the regular army conducted what was referred to as an Islamic "jihad" against Nuba supporters of the rebel Sudan People's Liberation Army.

An additional 45,000 Government troops, including tank battalions, had reportedly entered the region in January 1993, he said. The military capacity

far exceeded the scale of the "rebellion". Protests from the Nuba community to the authorities had themselves led to persecution and the arrest and disappearance of scores of educated Nuba throughout 1992. The ruling regime was intent on eliminating the distinctive cultural identity of the Nuba people as well as destroying the rural economy on which their livelihoods depended. The Commission should urgently see to it that the United Nations organize an international commission of enquiry to investigate the reported massacre in Jebel Heiban; to bring pressure to bear on the Sudanese Government to give full facilities to the inquiry; and to investigate further the reports of mass deportations of the Nuba.

KAREN PARKER, of International Educational Development, said she regretted that the United States had extradited a former member of the El Salvador armed forces back to his country. The Commission should urge the United States to claim custody of Cesar Vielman Joya Martinez in order to free him to give testimony to the Special Rapporteur on summary or arbitrary executions. She also said the war against the ethnic groups and the overall human rights situation in Kashmir would not change until a plebescite was held to allow the expression of the democratic wishes of Kashmiris.

S.A. RAUF, of Liberation, spoke of human rights violations in Indonesia-occupied Acheh. The judiciary was used by the occupying forces to prop up oppression and suppress freedom of speech, freedom of expression and freedom of conscience, he said. Anyone suspected of opposing the occupying forces who came from Java faced intimidation and even death. Extra-judicial killings were an everyday event; many victims were eliminated without even an interrogation; even fewer were given a judicial investigation. People were being kidnapped from their homes, not arrested. There were no arrest warrants. Many were taken to secret locations to be "disposed of" or "disappeared". Torture was commonplace. Tens of thousands of Achehnese, possibly as many as 50,000 people, had lost their lives since 1989, victims of a brutal regime of terror.

He said the Commission should seriously consider sending a special investigator to examine the extra-judicial killings. It was a matter of profound regret that the Special Rapporteur on Torture had been refused permission to visit Acheh when he had visited Indonesia and East Timor in November 1991. The decision of the Centre to collaborate with the Indonesian authorities to hold an Asia-Pacific Human Rights Workshop in Jakarta, ignoring Indonesia's persistent violations in the occupied territories of Acheh, West Papua and East Timor shattered the trust of those people.

Right of Reply

S.E. YOUSIF (Sudan) said the speaker for the Arab Lawyers' Union was a Sudanese who had hijacked the Organization to make biased statements against his own country. Years ago, the speaker had betrayed his own comrades in the Sudanese Communist Party and had sent them to the gallows. He was a major plotter in the coup d'etat of 1989. He was an opportunist who would do or say anything. He would not mind seeing his own country lose its sovereignty. In fact, the National Islamic Front he had mentioned no longer existed; it had

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been dissolved. The speaker had offered nothing but lies and distortions. Criminals could not be made heroes by having their cases misrepresented before the Commission. The two executed men the speaker had mentioned were criminals.

A. FATHI MASRI (Syria) referred to a statement by the representative of Denmark, made on behalf of the European Community. There were no detainees of conscience or expression in Syria, he said. The Constitution guaranteed the right to freedom of expression, including the right to criticize. Nor were people detained without due process. A legal office was charged with receiving the complaints and allegations of citizens and bringing public officials before a court if they had acted unlawfully. Syria had suffered from serious difficulties which had compelled it to adopt security measures. That situation had now changed. However, part of Syria's territory was still occupied and threatened by Israel. It had been the victim of terrorist attacks in the 1980s. The emergency law had been promulgated in order to protect the citizens.

B. MBARUSHIMANA (Rwanda) said some delegations and non-governmental organizations had criticized the human rights situation in Rwanda. Violations had occurred in his country during the period of inter-ethnic conflict. The Government had tried to end the problem by seeking reconciliation and an end to the war with the opposition, and to put an end to human rights violations. The Commission could help by demanding that the opposition cease hostilities. The Government had helped a fact-finding mission, which had looked into the matter last year, while the rebels had refused to cooperate. If proof was provided, those responsible for abuses would be brought to justice.

A.M. AL-KADHI (Iraq) said that the statement by the representative of Kuwait was not in conformity with the traditions and practices of international organizations. His statement had reflected only the behaviour of the leaders of Kuwait, with which the world was already familiar. His comments on Kuwaiti prisoners showed that he was not keeping up to date. His Ambassador in Washington had lied to the international community. The ICRC knew that the Kuwaitis had forwarded fictitous names. Iraq had already cooperated with the ICRC and enabled it to visit Iraqi prisoners. The Kuwaiti regime tried to spread lies in order to reach political objectives. Were there any human rights in Kuwait? he asked.

A. SEMICHI (Algeria) said the International Commission of Jurists had painted a picture that showed they truly did not understand human rights. The supposed violations in Algeria supposedly had similarities with the other situations listed by the organization elsewhere. It was a pre-emptory judgement. Why was Algeria associated with that long list? he asked. The organization had made allegations, but had not presented facts. The Constitution had not been suspended in Algeria. Everyone knew there was a serious problem with subversive elements in his country; why did the organization doubt it?

M. FERRIOL ECHEVARRIA (Cuba) said that one of the representatives of the non-governmental organizations who referred to the aircraft which airlifted a family from Cuba forgot that it was a criminal act. The speaker did not

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mention that the pilot who took a MIG out of the country to the United States was also a criminal. The blockade by the United States had left victims, particularly children, in Cuba.

N.D. SHABHARWAL (India) said the Commission had the wisdom not to be misled by the present campaign of misinformation launched by some who wanted to dismember India. Jammu and Kashmir was an integral part of India. Its people fully enjoyed their human rights. The terrorists had made baseless allegations. Whenever any allegation had been substantiated it had been investigated. Jammu and Kashmir was open to all foreign visitors, including journalists. The BBC and the Voice of America regularly visited. It was necessary to bring constant pressure by the world public opinion against terrorism, in particular when it was supported from abroad.

The representative of the People's Democratic Republic of Korea rejected the accusation by the United States delegation against his country. The United States was a Power that divided the Peninsula, he said. The People's Democratic Republic of Korea was following the principles of national independence and self-reliance. There were no beggars, no drug addicts and no unemployed in his country, while in the United States there were many.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/442
5 March 1993

HUMAN RIGHTS COMMISSION ESTABLISHES WORKING GROUP ON RIGHT TO DEVELOPMENT

Also Adopts Texts on Right to Own Property, Adequate Housing, Population Transfers; Discusses Human Rights Violations Anywhere in World

GENEVA, 4 March (UN Information Service) -- The Commission on Human Rights this morning established a 15-member Working Group to study problems of economic development. Over the next three years, the panel will consider obstacles to implementation of the Declaration on the Right to Development. Among its responsibilities will be the submission of a comprehensive report on the subject at the Commission's session next year.

The Commission took that action by adopting a resolution which stated, in part, that "the biggest obstacles to the realization of the right to development lay at the international macroeconomic level as reflected in the widening gap between the North and the South, the rich and the poor". The resolution was adopted by a roll-call vote of 36 in favour to 1 against (United States), with 13 abstentions.

The Commission adopted a measure giving one of its Independent Experts another year to complete a report on the right to own property, while noting that there existed in the world many forms of property ownership. It also adopted two resolutions recommended by its Subcommission on Prevention of Discrimination and Protection of Minorities. The first called for the appointment of a Special Rapporteur to carry out a two-year study on the subject of adequate housing; the text established two Special Rapporteurs to prepare a preliminary study on "the human rights dimensions of population transfer, including the implantation of settlers and settlements".

Following the voting, the Commission resumed its discussion of human rights violations anywhere in the world.

Making statements this morning were the representatives of the United States, Syria, China, Brazil and Mexico. Statements in exercise of the right of reply were made by Mauritania, Angola, Kuwait, Cuba, Sudan, Croatia and Iraq.

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For information media—not an official record

Action on Texts

Concerning respect for the right of everyone to own property alone as well as in association with others adopted without a vote, as amended, the Commission recognized that many forms of property ownership exist in the world; recognized the necessity of concluding the analysis of the numerous forms of legal property ownerhsip; decided to renew the mandate of the Independent Expert for one year so that he could complete his report, using the observations and comments submitted by Governments and intergovernmental and non-governmental organizations which could not be included owing to the time when they were received; decided to consider the report of the Independent Expert at its fiftieth session and to conclude its consideration of the matter upon receipt of that report.

In a decision on promoting the realization of the right to adequate housing, adopted without a vote, the Commission, noting resolution 1992/26 of its Subcommission, endorsed the Subcommission's decision to appoint Rajindar Sachar as the Special Rapporteur on promoting the realization of the right to adequate housing and to request him to carry out a two-year study on the issue. The Commission also endorsed the request that the Special Rapporteur submit to the Subcommission, at its forty-fifth session, a progress report on the subject.

Regarding the human rights dimensions of population transfer, including the implantation of settlers and settlements, adopted by a show-of-hands vote, the Commission, noting resolution 1992/28 of the Subcommission, endorsed that body's decision to entrust Awn Shawkat Al-Khasawneh and Ribot Hatano as Special Rapporteurs to prepare a preliminary study on the human rights dimensions of population transfer, including the implantation of settlers and settlements. It requested the Secretary-General to give the Special Rapporteurs all the assistance needed for their task.

By a resolution on the realization of the right to development, adopted by a roll-call vote of 36 in favour to 1 against (United States), with 13 abstentions, the Commission recognized that the biggest obstacles to the realization of the right to development lay at the international macroeconomic level as reflected in the widening gap between the north and the south, the rich and the poor. The Commission recognized also the existence of impediments at the national level; urged all relevant bodies of the United Nations system, particularly the specialized agencies, when planning their programmes of activities, to take due account of the Declaration of the Right to Development and to make efforts to contribute to its application; and encouraged all States, when formulating their national policy and development plans, to include explicit provisions on the right to development.

It decided to establish, initially for a three-year period, a thematic Working Group on the right to Development, composed of 15 experts nominated by Governments and appointed by the Chairman of the Commission, at its forty-ninth session; requested the Working Group to submit to the Commission,

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at its fiftieth session, an initial, comprehensive report on the obstacles affecting the implementation of the Declaration and to continue reporting to the Commission, on a yearly basis, on its work.

The roll-call vote, of 36 in favour to 1 against, (United States), with 13 abstentions, was as follows:

In favour: Angola, Argentina, Australia, Bangladesh, Barbados, Brazil, Burundi, Chile, China, Colombia, Costa Rica, Cuba, Cyprus, France, Gabon, Gambia, India, Indonesia, Iran, Kenya, Lesotho, Libya, Malaysia, Mauritania, Mauritius, Mexico, Nigeria, Pakistan, Peru, Republic of Korea, Sri Lanka, Sudan, Syria, Tunisia, Uruguay and Venezuela.

Against: United States.

Abstentions: Austria, Bulgaria, Canada, Czech Republic, Finland, Germany, Japan, Netherlands, Poland, Portugal, Romania, Russian Federation and United Kingdom.

Statements

J. K. BLACKWELL (United States), explaining his position on the resolution on population transfers, said that while his Government was deeply concerned by human rights violations caused by such transfers around the world, it had had to oppose the resolution. Other studies should take priority at a time of increasing demands on the Subcommission's resources. The resolution also seemed to politicize the decision unduly. The emphasis on settlements seemed unbalanced, and the United States was concerned it would be unhelpful to the Middle East peace process. Also, the decision did not seem to take into account positive policy changes on settlements implemented by Israel since last July.

A. F. MASRI (Syria) said Israel had escalated its aggression by bombarding the villages in southern Lebanon. That action was a flagrant violation of the principles of international law. Israel was not abiding by any convention. The world was witnessing the most abhorrent acts committed by Israel in its deportation of more than 400 Palestinians. In order to liberate their land from Israeli occupation, the Palestinians were obliged to use all means, including the intifadah. Security Council resolutions concerning the return of the deportees had not been heeded by the Israeli authorities. They continued to defy the international community and all instruments regulating the behaviour of a State. In recent days, Israel had intensified the destruction of villages situated in southern Lebanon.

JIN YONGJIAN (China) said that country had deep reservations and regret about the proposed resolution on the human rights situation in China. The draft resolution was politically motivated and biased. China had a good record on human rights -- citizens no longer starved, as they had before the current system of government was established. There was a stable political situation, a tranquil social order, and pronounced economic development. The Chinese people had never enjoyed better basic human and social rights than

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now, and they hoped that progress could continue without outside interference. But the United States and other countries were trying to interfere. China would never submit to something totally unreasonable. The Western world had a double standard -- it ignored its own problems but vigorously aimed negative comments and resolutions at developing countries.

G. V. SABOIA (Brazil) said he was pleased to note the balanced character of the report submitted by the Special Rapporteur on Summary or Arbitrary Executions, as well as the fairness of his observations regarding the efforts made by the Brazilian Government. In the past, most countries had tended at first to refuse cooperation and visits by Special Rapporteurs, as if their designation represented an offence to national sovereignty. One of the most outstanding examples of that evolution had been the attitude of Afghanistan, under Communist rule, towards the Rapporteur. A similar case was that of Iran. After some years of refusal, full cooperation was granted by the Iranian authorities to the Special Rapporteur of the Commission. The Brazilian delegation shared the international preoccupation with the situation in all the countries monitored including Haiti, Cyprus and East Timor. Most appalling of all was the situation in the former Yugoslavia, which required resolute international action.

CLAUDE HELLER (Mexico) said the proliferation of ethnic conflicts recently, and the instability spreading in various regions, called for new mechanisms. Prompt, effective action was becoming more and more necessary. Non-interference in countries' internal affairs was not an obsolete or incorrect concept, although internal affairs could not be cited as an excuse for human rights violations. Nevertheless, respect for a country's independence was important; it helped create a positive, constructive atmosphere. Similarly, self-determination was often used as an excuse for fratricidal conflicts and the dismemberment of countries. Human rights standards should avoid a pattern in which the policies of the north were imposed on the south, and in which some countries were never scrutinized while others were constantly and intensely scrutinized.

Rights of Reply

S. SOKHONA (Mauritania), referring to the statement by the International Association for the Defence of Religious Freedom, said Islam was based on tolerance and should not be confused with extremism. Mauritania, being an Islamic country, did not mean that Islam was imposed on the people; it was a result of cultural and sociological evolution.

GARCIA BIRES (Angola) said he regretted the lack of objectivity of the International Commission of Jurists with regard to his country. There was a serious absence of facts, and the organization had blamed the Government for actions in fact committed by the National Union for the Total Independence of Angola (UNITA), which had caused human rights abuses. Charges against the Government were not true. When a country was ravaged by a war for 30 years, that resulted in a proliferation of weapons among the civilian population despite efforts by the Government to control the process. Citizens had used such weapons in self-defence against UNITA. There had been no Government man

hunt of people from Zaire living in Angola. Zaire's support of UNITA had always been pronounced, yet Angola had never responded in any negative way against citizens and refugees of Zaire living in Angola.

M. AL-SALLAL (Kuwait), replying to the statement made by Iraq, said his country did not create conditions so that the embargo would be prolonged. Iraq continued to repress its own people. The situation and identities of prisoners of war were under verification.

J. PEREZ NOVOA (Cuba) said the lack of information by the representative of Norway on Cuba was remarkable. How would Norway explain its links with the Zionist State of Israel or its lack of support of the heroic struggle of the Palestinians? Could Cuba point out Norway's connections with the racist nation of South Africa, including cooperation on a nuclear programme? Norway was not free of sin. It abused immigrant workers, for example. He invited Norway to a public debate on its behaviour on human rights matters.

A. A. GUBARTALLA (Sudan) said Pax Romana, which knew nothing about the Sudan, and its spokesman, Bishop Macram Max, had saddened his country by uttering such falsehoods. Indeed, the visit of Pope John Paul II to the Sudan had assured him of the absence of human rights violations. He appealed to the Bishop's conscience. Where were the sources and facts for his baseless accusations? With 570 churches operating in the Sudan, how could it be true that Christians were persecuted there? As a Bishop, the speaker should have been more truthful.

TOMISLAV THUER (Croatia) rejected the accusation by the representative of the World Serbian Community concerning Croatian policies towards the Serbian population in his country. The majority of Serbs still living in the territory of Croatia enjoyed all rights and freedoms, he said. It was hypocritical that the Serbian representative condemned the policies of neighbouring States.

M. A. AL-DOURI (Iraq) said the representative of the Kuwaiti sheikhs, in his statement last night, had once again failed to realize that Iraq had resolved fairly the matter of Kuwaiti prisoners. If the speaker had been truly independent, not a puppet of others, he would not be able to talk about such matters. As to the embargo against his country, Iraq knew very well the way Kuwaitis went with suitcases full of dollars to a certain country to persuade it not to lift the embargo.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/443
11 March 1993

HUMAN RIGHTS COMMISSION CONTINUES DEBATE ON HUMAN RIGHTS VIOLATIONS ANYWHERE IN WORLD

GENEVA, 4 March (UN Information Service) -- Divergent views were expressed this afternoon as the Commission on Human Rights continued its discussion of human rights violations anywhere in the world. While several speakers provided the Commission with lists of countries in which they said human rights violations were occurring in a systematic and massive way, others expressed concern over what they described as the Commission's selectivity in its discussion of human rights violations anywhere in the world and lack of objectivity in the appointment of special rapporteurs.

Iran said that Western countries cherished the discussion of the topic under consideration, which they considered as their private domain. They accused, charged and judged, but they were selective and guided by political interests, he added, asking whether those countries would be willing to accept their own responsibility for violations of human rights.

The Russian Federation stressed the need for an open discussion of the human rights situation in one's own country. Australia said that while one should never recoil from condemning violations of human rights, the goal should be to obtain lasting improvements through the establishment of strong national and international human rights machinery.

Statements were made by the representatives of the Russian Federation, Liechtenstein, Iran, the Democratic People's Republic of Korea, Australia, Indonesia, Colombia, Chile, Cuba, Switzerland, Afghanistan, Turkey, Hungary and Sweden.

Also speaking this afternoon were the International League for the Rights and Liberation of Peoples, the International Federation of Pedestrians, the African Association of Education for Development, the World Conference on Religion and Peace, the Latin American Federation of Associations of Relatives of Disappeared Detainees and the Andean Commission of Jurists.

The representatives of Cyprus, Iraq, Cuba, Peru and Morocco exercised the right of reply.

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For information media--not an official record

Statements in Debate

T. O. RAMISHVILI (Russian Federation) said that inter-ethnic strife and violent nationalism were replacing old tyrannies in many places. Russia was open to discuss its human rights situation before commenting on the situation of other countries. His Government was implementing several reforms in the country and the Russians understood the need for those reforms. However, the situation was more difficult for vulnerable groups, such as old people, the disabled, women and children. The outdated Soviet legislation was still in force in the country. There was a lack of courts, qualified judges and lawyers. The population had little legal knowledge. In order to participate in the Council of Europe, his country would bring its legislation into line with that of European countries.

He expressed concern over the alarming situation in several Republics of the former Soviet Union. Azerbaijan and Armenia were trying to solve their problems through armed battles and not negotiations. The conflict in Tajikistan had already created thousands of refugees. It was unacceptable to subject human rights to cultural, religious or other differences. He condemned the continuing human rights violations by Iraq, including the persecution of religious groups, ill-treatment of the Kurds and torture of detainees. He also condemned the repression in Myanmar; arbitrary detention, torture and the lack of religious freedom in Iran; as well as the death sentence it had imposed on the British author Salman Rushdie.

Continuing, he condemned repressive acts against the opposition in Cuba, murders and kidnappings which occurred daily in Haiti and human rights violations in Equatorial Guinea. He expressed concern over the human rights situation in the occupied Arab territories, as well as in the Sudan, Zaire and East Timor, among others. He appealed to China to focus more attention on the development of democratic institutions and to implement all human rights instruments.

ANDREA WILLI, observer for Liechtenstein, said the international community's hopes that the past era of confrontation would yield to a new era of cooperation, especially in the field of human rights, had apparently been premature. Almost never before had violations of human rights reached such a flagrant and acute level. Violations of human rights could never be considered a matter of internal affairs. Recently, there had been a resurgence in many parts of the world of racial and xenophobic hatred and violence. It was not enough to punish those criminal acts according to existing laws. There was also a need to avoid creating situations which permitted or fostered outbreaks of such violence.

He expressed grave concern over violations of human rights in China, including in Tibet, especially of the rights to freedom of expression, religion, assembly and association. The adminstration of justice in China did not meet international standards in some basic areas, as the right to fair trial was not respected. He also expressed concern over the human rights situation in Iran where, it had been reported, summary executions were increasing, systematic torture persisted and women's rights were not

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respected. The most outrageous violations of human rights violations were taking place in parts of the former Yugoslavia, including arbitrary detention under inhuman conditions, summary executions, the practice of "ethnic cleansing" and systematic rape of women and children as a warfare tactic.

SIROUS NASSERI (Iran) said the question of violations of human rights was a most cherished matter for the Western States, as it had been conceived to be and had, in practice, been for a long time their private domain. Those States were the ones who accused, charged, judged and presented the final verdict. The Western countries had the highest number of criminals world-wide. That was no surprise, as brutal violence, drug addiction, profanity, vulgarity, prostitution and pornography systematically bombarded their population through radio and television. The close relationship between development and human rights could not be challenged any more, as a minor recession had been able to devastate human rights in the most developed countries of the world.

The Western countries participating in the Commission's work lacked impartiality, applied selectivity and were guided by political interests, he went on to say. They followed a double standard in their approach to violations of human rights in different parts of the world, particularly regarding situations in which they were responsible for depriving the people of their rights, as, for example, in the cases of Palestine and South Africa. The Western countries' criticism of the human rights situation in Iran had started immediately after the Shah was toppled. He asked the Western countries to say whether they were prepared at least to acknowledge their misdeeds which, eventually, had led to violations of the most precious right, the right to life of many.

RI TCHEVL, observer for the Democratic People's Republic of Korea, said direct and indirect interference by outside forces violated the right to self-determination as well as territorial integrity. Such interference could result in famine, great suffering and illness. At present, in many parts of the world, the right to self-determination was being violated. A certain number of countries, using the justification of human rights as a major instrument to accomplish their political objectives, were cruelly violating the sovereignty of other nations. In international institutions, the attitude of superiority of developed countries attempting to play a more important role than other countries could end up endangering the sovereignty of the developing countries. After the end of the cold war, the number of armed forces, instead of decreasing, had become more widely scattered.

He said Japan's ambition of becoming a permanent member of the Security Council could, in the future, lead it to send more troops abroad, as in the case of Cambodia. A recent development was that Japanese troops serving under the United Nations flag were again receiving women to "comfort" them. Those women had been forced to join the troops. Japan had forced 6 million Koreans to participate in the Second World War. Those who had survived and were now living in Japan were discriminated against.

P. A. WENSLEY (Australia) said the fact that the human rights programme received less than 1 per cent of the United Nations total budget reflected a

serious disparity between the Organization's proclaimed priorities and its allocation of resources. The United Nations system must devote more effort and resources to developing incremental and well-targeted measures to strengthen legal infrastructures and national machinery contributing to respect for human rights. Interventionist measures, however, could serve as a last resort.

She said her Government had supported action by the international community to take strong collective and punitive measures in cases of widespread violations of human rights. She called on the Burmese authorities to release Nobel Peace Prize winner Aung San Suu Kyi and other political leaders and to work with them in the urgent task of Burma's democratization. The human rights situation in Iraq and the Sudan continued to be of grave concern. Despite positive developments, the human rights situation in East Timor was still a cause for concern. Also, Chinese standards on legal process remained unacceptable by international standards.

S. WIRYONO (Indonesia) recalled that 16 months had elapsed since the Dili incident of 12 November 1991, and a whole year had passed since the Chairman of the Commission had made a consensus statement on that incident. Since then, most of the facts had been clarified, decisive legal actions had been taken to uphold justice and the general situation in the province had returned to normalcy. However, there were those who, for purely political purposes, wanted to perpetuate the issue. Most of the demonstrators detained had been released immediately and only 13 had subsequently been brought to trial. Only four of them, who had masterminded the violence, had been tried under the anti-subversion law, while the other nine had been tried under criminal law. Military personnel directly involved in the incident had been put on trial by a military tribunal and sentenced to jail. Concerning the issue of missing persons, only 61 of the 115 cases reported had not yet been clarified.

The Indonesian Government had always demonstrated its readiness to cooperate with the Secretary-General, he said. Referring to the Secretary-General's wish to send Special Rapporteur Amos Wako to Indonesia to obtain clarifications on the Dili incident, he said the visit would take place during the last week of March or early in April. Indonesia was also working on a just, comprehensive and internationally acceptable solution to the East Timor question, through a dialogue with Portugal.

Regarding the arrest and trial of Xanana Gusmao, leader of the Revolutionary Front for the Independence of East Timor (FRETILIN), he said his arrest had been possible because the local population had collaborated with the authorities. Mr. Gusmao, had been accused of violating the country's penal code on attempted putsch, armed rebellion and conspiracy to commit a crime. Indonesia would reject any initiative against it which was motivated by biased views and narrow political self-interest, as that would adversely affect the prospect for achieving progress in the forthcoming talks between Indonesia and Portugal, scheduled to be held next month.

WILMA ZAFRA (Colombia), describing recent efforts by her Government aimed at establishing legal institutions in charge of protecting human rights, said

those institutions were now provided for in the Constitution. Government officials were aware of the need to be trusted by Colombians. Respect for human rights was not merely a matter of honour, but a necessity for maintaining order. In 1992, a law had been enacted establishing the Office of the Ombudsman. That Office was charged with demanding the protection of the rights of all citizens. It could receive complaints, investigate them and make recommendations. It was also responsible for educating and informing the public about human rights. There was a need for a change in school curricula in order to build a culture of respect for human dignity. Colombia was also a pioneer in the development of the right to own property and the rights of indigenous people. She hoped the international community would recognize Colombia's efforts to prevent human rights violations and to punish those guilty of committing them.

FELIPE PORTALES (Chile) said there was an increasing conceptual confusion resulting from a trend according to which human rights violations were treated as offences. That could lead to a confusion between human rights violations and criminal offences. Human rights violations had so far been considered institutional offences, as States were guarantors of human rights. States could violate human rights through deliberate actions or by failure to restore the rule of law in the face of violations committed by officials, individuals or groups. The Commission ran the risk, if that new approach was carried too far, of becoming entangled in the internal legal details of various countries. The Commission was facing a potential distortion that would undermine the meaning of the protective international action of human rights instruments.

JOSE PEREZ NOVOA (Cuba) said the work of the Commission seemed to be detached from what was happening in countries of the North. Those countries seemed to be untouchable in the eyes of the Commission. Entire sectors subsisted in the face of brutal repression, including in countries of the "old Europe". The case of Northern Ireland was a classic example. Attempts were being made to ensure that the Commission would not deal with the situations in Guatemala and El Salvador. In the case of Guatemala, there was sufficient information in the report of the Special Rapporteur to keep the Commission concerned.

The United States, which considered itself the champion of human rights, was not immune to violations of those rights, he continued. Police violence, high rates of mortality in some cities, inadequate medical assistance, execution of minors and of the mentally retarded were well-documented facts. Moreover, the United States kept Puerto Rico under colonial domination, had assassinated civilians in Panama and was arbitrarily arresting Somalians. Would the United States agree to the appointment of a verification mission to investigate its situation of human rights, as Cuba had done? he asked. The Government of the United States had not replied to the questions of the Special Rapporteur on summary and arbitrary executions. Were some Member States more equal than others? he asked.

JEAN-DANIEL VIGNY, observer for Switzerland, said a just and fair settlement must be found for Cyprus and for southern Lebanon. He hoped the

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Special Rapporteurs would be allowed to visit Iran and Cuba. In view of the exceptionally serious situation in Iraq, human rights inspectors were needed there. After 14 years of war in Afghanistan, that country must stabilize democratically and adopt the Special Rapporteur's recommendations. The human rights situations had worsened in Myanmar, Haiti and the former Yugoslavia. Further improvements were needed in El Salvador, Guatemala, Equatorial Guinea, Albania and Romania. Many other countries, including Switzerland, had seen an upsurge in xenophobia and racism. The international community had to fight against those scourges.

M. TAUFIQ MOKHTARZADA, observer for Afghanistan, said that during the dark and humiliating years experienced by his country, Felix Ermacora, Special Rapporteur on the situation of human rights in Afghanistan, had stood by the Afghan people and had brought their plight before the world community. Due to security considerations, he had been unable to visit Kabul this year. When considering the situation of human rights in Afghanistan, one had to bear in mind that during the past 14 years, all human rights instruments to which Afghanistan was party had been violated by the invading Soviet troops. A million deaths and a destroyed social and economic fabric and infrastructure had been inherited by the current Government.

He went on to say that there was harmony between the different racial groups living in his country. The Islamic State of Afghanistan repudiated all types of privileges or discrimination on the basis of race. In addition, his Government was aware of its handicaps and was looking for ways to overcome them. Afghanistan was convinced of the need to settle disputes through negotiations. The Government was committed to ensuring human rights on the basis of the Islamic shariah. Stating that at the core of all human rights was peace, he pledged his Government's commitment to end the fratricidal war in the country.

OZDEN SAV, observer for Turkey, said the genesis of the Cyprus problem went back to 1963 and even to the 1950s when the terrorist EOKA organization, which had vowed to eliminate the Turkish Cypriots, was set up. The period between 1963 and 1974 had been the most tragic in the history of the Turkish Cypriot people. During that period, they suffered the most blatant violations of their fundamental human rights, including the right to life, as evidenced by the hundreds of Turkish Cypriots massacred and buried in mass graves. Having got away with all that, the Greek Cypriots had attempted to deal the last blow in July 1974, when they staged a bloody coup. The timely intervention of Turkey, under the 1960 Treaty of Guarantee, had saved the Turkish Cypriots. Since 1974, he added, peace had prevailed on the island.

The Cyprus problem was a political one, he said, and the two peoples of Cyprus must be encouraged to continue the intercommunal dialogue to reach freely a solution acceptable to both sides. The Greek and the Greek Cypriot representatives' statements concerning missing persons had been a repetition of their previous unfounded allegations. The Turkish Cypriots had suffered far more in proportion to their population than the Greek Cypriots. On the issue of foreign settlers in Cyprus, the information and figures given by the Greek and the Greek Cypriot representatives had been deliberately erroneous.

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GYULA K. SZELEI, observer for Hungary, said the world had changed and perceptions also had to change. First, the human rights reporting system could not continue to work in isolation from the political machinery of the United Nations. Secondly, it was necessary to have more flexibility, a more proportionate international response to the broad diversity of situations. Thirdly, ways and means to enhance the effectiveness of early warning, preventive diplomacy and resolute response to non-compliance had to be devised. Human rights thematic and country reporting might well be used in assessing the electoral climate of a country, in the course of United Nations electoral assistance activities. The same was true for those peace-keeping missions which included civilian monitors or human rights observers. An organizational link between the United Nations system of human rights rapporteurs and representatives, and the political organs directly involved in those operations, should be established.

He expressed concern about the situation of human rights in Iraq and the human suffering caused by deliberate and systematic governmental policies there. The situation of human rights in Romania had been for some time under the scrutiny of the Commission. The Romanian Government should be further encouraged to amend legislation on education and to end selectivity in the administration of justice in favour of persons belonging to the majority population. He urged the Romanian authorities to guarantee the participation of elected representatives of the country's minorities in decisions on matters relating to their identity. He also expressed concern over the situation of human rights in Myanmar and Cuba.

ULLA STROM, observer for Sweden, said the world community must remain loyal to the universal principles to which all had agreed, irrespective of the economic and social situation or ideological belief prevailing in any given country. She expressed great concern over the tragedy of the human rights situation prevailing in the former Yugoslavia, as well as over the large number of reports of grave violations of basic human rights taking place in Burma.

The situations in Iran and Iraq were also a cause of concern, she went on. In Afghanistan, violations of human rights continued. She expressed grave concern over the continued serious human rights situation in China, including Tibet. Problems in the area of human rights still persisted in the Sudan, Somalia, Zaire, Guatemala, Cuba and Haiti. The human rights situations in El Salvador and Romania had improved, but further progress was necessary. Regarding summary or arbitrary executions, the high number of victims said to be under 18 years of age was of particular concern.

VERENA GRAF, of the International League for the Rights and Liberation of People, referring to the situation of human rights in El Salvador, expressed concern over the judicial system in that country, particularly the ill-treatment of prisoners, abuse of preventive detention and the right to legal counsel. Impunity continued to be a problem. The majority of the recommendations of the human rights division of the United Nations Observer Mission in El Salvador (ONUSAL) had not yet been implemented.

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Concerning the situation in East Timor, she said that since the Dili massacre, violence and disregard for human rights had increased. The young were increasingly the main victims of the strategy. The Commission should draw attention to the situation of a country which had for too long been neglected by the international community. The time had come to stop believing Indonesia's promises. The Commission had the duty to impose respect for human rights in East Timor. As for the situation in Haiti, a resolution calling for the trial of the authors of human rights violations there could help in establishing democracy in that country.

KABEMBA BAJIKIJAIE, of the International Federation of Pedestrians, said it was encouraging that the peoples of Eastern Europe had shed their chains over the last three years. In Africa, nations under the former influence of the Soviet Union had made impressive progress, including Benin, Zambia, Madagascar, Congo and Angola. Among other African countries that were traditional allies of the Western bloc, the transition to democracy had created more problems than it had resolved. The climate of tension and violence was caused mainly by the impossibility of co-habitation between old dictatorial regimes and the emergence of popular support for democracy. Zaire was a prime example. The international community must act, as that country was mired in barbarism and suffering intensely from economic collapse. A special rapporteur should be appointed to investigate the human rights situation there. The human rights violations in Rwanda, Togo and Senegal were also cause for deep concern.

CELESTINO B. OBIANG, of the African Association of Education for Development, said Equatorial Guinea had ratified several international human rights treaties. However, it systematically violated human rights. It had enacted laws and decrees which restricted the rights and freedoms of the people, for instance, their right to participate in public life. The police and the army were above the law. Detention and torture of members of the opposition last December had proved that everything was done to weaken the opposition. Repression was selective there and especially harsh and cruel against those most qualified to take part in politics. The regime had set up a human rights commission whose main task was to impose silence about human rights violations. Its members were appointed and dismissed by the regime. The judiciary was yet another instrument of the dictatorship, which had also seriously damaged the economy, leading young people to migration.

GUNTHER GEBHARDT, of the World Conference on Religion and Peace, said that ending the civil war and restorating democracy in Burma were not separate issues. The army's insistence on a military solution to the civil war was the main obstacle to a political settlement, which would necessarily require the establishment of a federal state. The basic principles of such a state were already contained in the Manerplaw Agreement, which provides for establishing a "Federal Union of Burma" and had been signed on 31 July 1992 by leaders of the elected and the ethnic oppositions.

He said the Commission should tell the authorities in Burma that the so-called National Convention which had been called to furnish a "constitutional" cloak to continued military rule, was unacceptable. It

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should call for the unconditional release of all political prisoners, including Aung San Suu Kyi; for the lifting of martial law in Burma; renew, strengthen and expand the mandate of its Special Rapporteur; establish an international human rights monitoring team; and encourage economic sanctions and an arms embargo on Burma.

MARGARIT ALEMAN, of the Latin American Federation of Associations of Relatives of Disappeared Detainees, said the situation of human rights in El Salvador had improved; however, it was too early to ascertain that the situation had changed irreversibly. That situation should continue to be reviewed by the Special Rapporteur of the Commission. The situation in Guatemala had not improved, and forced disappearances and intimidations continued. That situation should be studied by the Commission.

In Haiti, she went on, true political will was needed to re-establish the Government of President Jean Bertrand-Aristide. Serious attention should be paid to the situation of the Kurdish population in Turkey. In Peru, ill-treatment, overcrowding and lack of water and food was the daily condition of detainees. In Colombia, disappearances for political reasons had increased over the last year. The situation in both Peru and Colombia deserved to be investigated by the Commission.

WALTER ALBAN PERALTA, of the Andean Commission of Jurists, said that in Colombia, despite a democratic regime, disappearances and summary executions were high in number. The Colombian Government must bear its share of responsibility as much of the violence could be traced to government agents, although guerrillas and drug traffickers were also responsible for the violence in the country. In Venezuela, human rights organizations had reported a major increase in violations, including the violent repression of popular demonstrations. Peru's situation had grown more serious as political violence had caused 3,101 deaths in 1992, many traceable to the Shining Path guerrillas, but others caused by government authorities. Stating that impunity was a major problem in Peru, he said the Special Rapporteur on summary executions should visit that country and an expert should study the situation there.

Rights of Reply

ERATO MARCOULI (Cyprus) said the information to which the observer for Turkey had referred, was derived from reports of an independent judiciary body, the European Commission on Human Rights, as well as other independent groups. Taking into account Turkey's dismal human rights record, his claims were devoid of content. Under present circumstances, Turkey was not in a position to play that role. As a member of the Council of Europe, Turkey could use its mechanisms. However, that had never been done, for obvious reasons.

BASIL YOUSIF (Iraq) said Switzerland, Hungary and Sweden had criticized Iraq based on the report of the Special Rapporteur, a report which lacked

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integrity and fairness. Sending monitors to Iraq would violate human rights laws, the Charter and national sovereignty. That outrageous proposal only drew attention to the selective nature of the report.

M. ALFONSO MARTINEZ (Cuba) said the delegations of Hungary and Sweden had referred to the so-called situation of human rights in Cuba. Seventy-four per cent of Hungarians felt frustrated by the change in the country. The representative of Hungary, however, dared to speak to the Commission about Cuba. It was strange that the representative of Sweden had not referred to other countries, like the United States, in her statement.

FERNANDO QUIROS (Peru) said some statements made about his country were not completely true. Electoral processes had been held to elect the Constituent Congress and to elect municipal authorities throughout the country. Severe prison sentences were related to extremely serious crimes, such as life sentences for exploding bombs in shopping centres. Those penalties were not beyond international standards. Children were not subject to unfair criminal procedures. Armed forces officials had, in fact, been sentenced to prison terms for human rights abuses. Peru was serious about preventing unjustified violence by the armed forces. It did not serve justice or objectivity to criticize the Peruvian Government, which was vigorously defending its citizens against groups that were causing thousands of deaths.

M. A. AL-DOURI (Iraq) asked how all the Western countries could be certain that the information submitted by the Special Rapporteur was impartial. Information furnished by the representative of the Russian Federation was unfounded. He said Iran's representative had forgotten its use of chemical weapons against Iraq. The real treatment of the Iraqi prisoners in Iran also had to be mentioned.

EL GHALI BENHIMA, observer for Morocco, said the judgement and sentencing of Noubir Amaoui, Secretary-General of the Democratic Confederation of Labour, had been carried out on charges of slander and defamation against the Government. He had never been disturbed as a trade union representative. His sentence in no way could be considered as a violation of human rights. The non-governmental organization CETIM was provocative and not neutral. It had on previous occasions allowed people to speak without checking their identity. At the back of the room was a list of all the people who had been tortured in prisons of the Popular Front for the Liberation of Saguia el-Hamra and Rio de Oro (POLISARIO). In response to other non-governmental organizations, he said he was surprised by the falsification on matters concerning Western Sahara. None of the Secretary-General's reports had blamed Morocco for the delay in the organization of the referendum.

JUANA SILVERA NUÑEZ (Cuba) expressed her surprise at the statement by the Russian Federation, making reference to her country. The Russian representative was not familiar with the details concerning Cuba. Therefore, his statement was biased. The Russian representative had joined countries which had expressed their political and ideological vendetta against Cuba.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/444
9 March 1993

FOREIGN MINISTER OF GERMANY ADDRESSES HUMAN RIGHTS COMMISSION

Special Rapporteur on Child's Rights Introduces Report on Sale of Children

GENEVA, 5 March (UN Information Service) -- Recent outbreaks of xenophobia and acts of violence against foreigners were a source of shame for Germany, Klaus Kinkel, that country's Minister for Foreign Affairs, told the Commission on Human Rights this morning.

Recalling that his country had been responsible for many of the human rights violations which had led to the creation of the United Nations, he said Germany knew the value of human rights and would fight xenophobia constitutionally, through education, information and judicial punishment. He also called for the creation of a United Nations high commissioner for human rights.

Also this morning, Vitit Muntarbhorn, Special Rapporteur on the rights of the child, introduced his report on the sale of children, as the Commission began consideration of child's rights. He said the increasing transnationalization of the sale of children was disquieting, for as soon as progress was made in one country it worsened in others. That problem was now an increasing concern in Eastern Europe, he added. Stating that in South Asia child prostitution was a problem whose commercial impetus came from sexual tourists, often from Australia, Europe and North America, he said criminal jurisdiction for paedophiles from developed countries should be extended to cover their criminal acts in other countries.

Reports on Child's Rights

A report on the sale of children (document E/CN.4/1993/67) addresses issues such as the sale of children for adoption for commercial purposes, exploitation of child labour, child prostitution, and child pornography. Among the report's recommendations is the establishing of a "pro-child-anti-crime network" with national and international law enforcement authorities. It also recommends the setting up of a network with world military entities, governmental and non-governmental, to ensure that children are not used or abused in armed conflicts. The report further recommends that

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the Commission should call on the business sector, trade unions, the entertainment industry, hotels and tourist agencies, as well as on the World Tourism Organization (WTO), to cooperate with it in promoting a world-wide strategy for child protection.

The report states that the responsibility of the customer or consumer in child abuse and exploitation needs to be highlighted. It calls for incriminating customers of child prostitutes and those possessing child pornography. It adds that particular attention should be paid to the international traffic in children.

Laws, policies and a medical code of ethics are required to prevent the commercialization of in vitro fertilization and surrogacy, according to the report. Sexual tourism should be discouraged and the service sector, including tourism agencies, should act more responsibly on that issue. The role of the WTO had yet to be maximized in that regard, it adds. An addendum to the report contains an account of the visit by the Special Rapporteur to Australia.

Also before the Commission is a report of the Secretary-General on the status of the Convention on the Rights of the Child (document E/CN.4/1993/65). The Convention, as of 22 February, had 128 States parties.

Report on Sale of Children Introduced

VITIT MUNTARBHORN, Special Rapporteur on the rights of the child, introducing his report on the sale of children, said problems of child prostitution and the sale of children could be found in all countries, although in varying degrees. An interdisciplinary approach was necessary to tackle those problems. The increasing transnationalization of the sale of children was disquieting. As soon as progress was made in one country it worsened in others. The problem was now an increasing concern in Eastern Europe.

Technology was also a problem, he went on, as in vitro fertilization, embryonic transplants and surrogacy were sometimes tied to the sale of children. Although child labour had existed since time immemorial, its use in criminal enterprises was growing. Children were often used in the sale of drugs, for example. Many children abducted in Latin America and Eastern Europe, among other regions, were sold for adoption in North America.

Enforcement of child labour laws was frequently lax everywhere, but especially in Asia, he said. That problem was increasing in developed countries, including the United States. In Australia, children were often used to commit crimes on behalf of adults, particularly the sale of drugs. The use of fetal tissue for various unethical purposes was on the rise and deserved strict monitoring. The issue of child soldiers remained widespread, despite laws preventing it. At times, children were kidnapped and forced to join the armed forces.

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Referring to the problem of child prostitution, the Special Rapporteur said that in South Asia, cross-national traffic was common. Many children were abducted or tricked and then kept as virtual prisoners. The commercial impetus came from sexual tourists, often from Australia, Europe and North America, who flew to South Asia. Criminal jurisdiction for paedophiles from developed countries should be extended to cover their criminal acts in other countries. The problem of child pornography was disconcerting in Europe, he said, adding that a recent example was the use of telephone computer networks in France to advertise the availability of child prostitutes. Many countries had responded to his inquiries, he said, although most of them had denied any allegations.

Statement by Foreign Minister of Germany

KLAUS KINKEL, Minister for Foreign Affairs of Germany, recalled that his country had been responsible for many of the human rights violations which had led to the creation of the United Nations. Germany had learned its lesson and knew the value of human rights.

Human rights violations in the former Yugoslavia were a formidable challenge to the conscience of the international community, he went on to say. He welcomed the decision by the Security Council on establishing a war crimes tribunal. The unanimous adoption by the Commission of resolutions on the human rights situation in the former Yugoslavia and on human rights violations against women had proved that the international community was united in condemning the ghastly human rights violations there.

He called for the establishing of a United Nations high commissioner for human rights entitled to take initiatives to safeguard human rights and to gather information on human rights violations. The investigations by the proposed high commissioner should be filed as a basis for subsequent criminal proceedings. Initiatives on that matter taken in Tunis, San Jose and Strasbourg had been an important step in the right direction.

He said the international community had become increasingly aware that available resources could only be put to best effect if the economic, political and social conditions in the developing countries were conducive to economic and development cooperation. While the developing countries should take responsibility for their advancement, the industrial countries should ensure the conditions for promoting development and for providing assistance in a spirit of solidarity.

The nations of the world had different traditions and value systems and were in different stages of development, he said. No cultural region should seek to force its system of values on others. Universal human rights recognized under international law should not be violated on grounds of different cultural traditions. The dignity of the human being was inviolable, he emphasized, adding that such universal principle should be the yardstick by which the policies of countries should be measured.

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The extent to which human rights were being violated was reflected in the number of people leaving their homes, he said. A large proportion of the approximately 250 million migrants today were fleeing for man-made reasons, as refugees from war and poverty. Germany was one of the main destinations for refugees seeking security and a better life, and it was also a country where many had found a new home. Millions of foreigners had been living among Germans for years in a spirit of good neighbourliness. In addition, hundreds of thousands of refugees from the former Yugoslavia had been received there in a spontaneous gesture of hospitality. Outbreaks of xenophobia and acts of violence against foreigners were almost unknown in Germany. For that reason, the xenophobic outrages which had occurred in the last two years had been all the more horrifying. Those events were a source of shame for Germany. His country would fight xenophobia with constitutional means, including education, information and judicial punishment.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/445
10 March 1993

HUMAN RIGHTS COMMISSION ADOPTS RESOLUTIONS ON RIGHTS OF MINORITIES, RELIGIOUS INTOLERANCE, RIGHTS OF DETAINEES, WORK OF SUBCOMMISSION

Decides to Appoint Special Rapporteur on Freedom of Opinion

GENEVA, 5 March (UN Information Service) -- Protection of the rights of indigenous peoples, minorities and detainees and efforts to combat religious intolerance were among the subjects of a series of draft resolutions approved this afternoon by consensus by the Commission on Human Rights.

Draft resolutions on the world's indigenous people called upon the United Nations system and Governments to develop policies in support of the objectives and the theme of the International Year for the World's Indigenous People (1993) and to strengthen the institutional framework for their implementation. It requested the Working Group on Indigenous Populations to intensify its efforts to continue and complete as soon as possible the elaboration of international standards for the promotion and protection of the human rights of the world's indigenous peoples.

A draft on minorities called upon all States to give effect to the principles contained in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities adopted by the General Assembly in December 1992.

As to the work of the Subcommission on Prevention of Discrimination and Protection of Minorities, the Commission called upon States to nominate as members and alternates, persons who met the criteria of independence and to fully respect the independence of elected members. It also called on the Subcommission to make recommendations on ways to further strengthen the independence of its experts, to rationalize its agenda, and to disseminate its work.

On the question of the rights of detainees, the Commission approved resolutions on the following issues: the draft Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the question of enforced or involuntary disappearances; arbitrary detention; the United Nations Voluntary Fund for Victims of Torture; staff members of the United Nations and of the specialized agencies in detention;

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torture and other cruel, inhuman or degrading treatment or punishment; human rights in the administration of justice; human rights and states of emergency; question of the impunity of perpetrators of violations of human rights; right to a fair trial; independence of the judiciary; right to restitution and rehabilitation for victims of gross violations of human rights; and the study on the issue of the privatization of prisons.

In other action, the Commission urged all States to take measures to combat hatred, intolerance and acts of violence, including those motivated by religious extremism, and to encourage understanding, tolerance and respect in matters relating to freedom of religion or belief. It recommended that the promotion and protection of the right to freedom of thought, conscience and religion be given priority in the work of the United Nations programme of advisory services in the field of human rights.

A resolution on the administration of justice urged Governments to strengthen the existing national and regional human rights institutions, particularly in developing countries. It appealed to the international community to provide assistance for the provision of legal aid services with a view to ensuring the promotion, protection and full enjoyment of human rights in Africa and other developing countries.

In another area, the Commission approved a resolution appealling to all Governments, organizations and individuals to contribute to the Voluntary Trust Fund on Contemporary Forms of Slavery. It requested the Secretary-General to designate the Centre for Human Rights as the focal point for the coordination of activities of the United Nations for the suppression of contemporary forms of slavery.

On the subject of the human rights of the disabled, the Commission appealed to Member States to highlight the observance of the International Day of Disabled Persons on 3 December every year. It also encouraged States to implement the standard rules on the equalization of opportunities for disabled persons as an essential element in the full integration into society of persons with disabilities.

On the question of human rights and forensic science, the Commission requested the Secretary-General to establish a list of forensic experts to help international mechanisms in the field of human rights.

The Commission also requested its Chairman to appoint, for three years, an individual of recognized international standing as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression. It requested the Rapporteur to gather information on discrimination against, threats or use of violence and harassment, directed at persons seeking to exercise or to promote the exercise of that right, as well as professionals in the field of information.

Also approved was a resolution on human rights obligations of successor States.

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The Commission then resumed its debate on violations of human rights in any part of the world, hearing statements by the following non-governmental organizations: the Third World Movement against the Exploitation of Women, the Commission for the Defense of Human Rights in Central America, the Movement against Racism and for Friendship among Peoples, the International Federation for the Protection of the Rights of Ethnic, Religious and Other Minorities, the National Aboriginal and Islander Legal Services Secretariat, the International Human Rights Internship Program, the International Indian Treaty Council, the International Immigrants Foundation, the World Christian Life Community, Centre Europe Tiers Monde, the World Student Christian Federation, the International Falcon Movement, and Anti-Slavery International for the Protection of Human Rights.

The representatives of Japan, Romania, Bangladesh, Cuba and Turkey spoke in exercise of the right of reply.

Action on Resolutions

Regarding the succession of States in respect of international human rights treaties (document E/CN.4/1993/L.25/Rev.1), the Commission considered that successor States should succeed to international human rights treaties to which the predecessor States had been parties and continued to bear responsibilities. It encouraged successor States to confirm to appropriate depositaries that they continued to be bound by obligations under relevant international human rights treaties; expressed satisfaction that some had already done so; and urged others to accede to or ratify those international human rights treaties to which the predecessor States were not parties. The Commission also requested the Secretary-General to render advisory services with respect to succession or accession to international human rights treaties to successor States which were members of the United Nations.

Under a resolution on the rights of persons belonging to national or ethnic, religious and linguistic minorities (document E/CN.4/1993/L.36), the Commission called upon all States to promote and give effect, as appropriate, to the principles contained in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities adopted by the General Assembly in its resolution 47/135. It urged all treaty bodies and special representatives, special rapporteurs and working groups of the Commission on Human Rights and the Subcommission on Prevention of Discrimination and Protection of Minorities to give due regard to the Declaration, as appropriate, within their mandates; and invited intergovernmental and non-governmental organizations to continue to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities.

The Commission called upon the Secretary-General to make available, at the request of Governments, as part of the programme of advisory services and technical assistance of the Centre for Human Rights, qualified experts familiar with minority issues, as well as with prevention, resolution and or

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management of disputes, to assist in existing or potential situations involving minorities; and encouraged Governments to consider availing themselves of such advisory services and technical assistance.

Under a resolution on the implementation of the Declaration on the Elimination of all Forms of Intolerance and of Discrimination based on Religion or Belief (document E/CN.4/1993/L.50/Rev.1), the Commission urged States to take all appropriate measures to combat hatred, intolerance and acts of violence, including those motivated by religious extremism, and to encourage understanding, tolerance and respect in matters relating to freedom of religion or belief. It called upon all States to recognize, as provided in the Declaration, the right of all persons to worship or assemble in connection with a religion or belief and to establish and maintain places for those purposes.

The Commission considered it desirable to enhance the promotional and public information activities of the United Nations in matters relating to freedom of religion or belief and to ensure that appropriate measures were taken to that end in the World Public Information Campaign for Human Rights. It recommended that the promotion and protection of the right to freedom of thought, conscience and religion be given appropriate priority in the work of the United Nations programme of advisory services in the field of human rights, including the drafting of basic legal texts in conformity with international instruments on human rights and taking into account the provisions of the Declaration; and called upon all States to consider disseminating the text of the Declaration in their respective national languages and to facilitate its dissemination in national and local languages.

Regarding the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery (document E/CN.4/L.58), the Commission welcomed the appointment by the Secretary-General of a Board of Trustees of the Trust Fund; appealed to all Governments, organizations and individuals to respond favourably to requests for contributions to the Fund, if possible on a regular basis; and requested the Secretary-General to transmit to all Governments the appeal of the Commission for contributions to the Fund. It also requested him to make use of all existing possibilities to assist the Board of Trustees of the Fund through the preparation, production and dissemination of information material to make the Fund and its humanitarian work better known.

Under a resolution on the report of the Working Group on Contemporary Forms of Slavery of the Subcommission on Prevention of Discrimination and Protection of Minorities (document E/CN.4/1993/L.59), the Commission appealed to all Governments to send representatives to the meetings of the Working Group and encouraged the Subcommission, including its Working Group, to continue to elaborate recommendations on the ways of establishing an effective mechanism for the implementation of the anti-slavery conventions on the basis of the study prepared by the Secretary-General on that issue.

The Commission again recalled its request to the Secretary-General to designate the Centre for Human rights as the focal point for the coordination of activities in the United Nations for the suppression of contemporary forms

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of slavery, and again requested him to reassign to the Working Group a full-time Professional staff member of the Centre. It recommended that the supervisory bodies of the International Labour Organisation give particular attention in their work to the implementation of provisions and standards designed to ensure the protection of children and other persons exposed to contemporary forms of slavery; and invited the Special Rapporteur on the sale of children to examine ways of further cooperating with the Working Group.

With regard to the work of the Subcommission on Prevention of Discrimination and Protection of Minorities (document E/CN.4/1993/L.60), the Commission reaffirmed that the Subcommission could best assist the Commission by providing it with recommendations based on the different views and perspectives of independent experts which should be appropriately reflected in the report of the Subcommission, as well as in the expert studies carried out under its auspices.

It invited the Subcommission to continue to consider ways in which its work should be improved with a view to making recommendations on the following points: initiatives for better coordination with the Commission and the other competent organs of the United Nations acting in the field of human rights; further strengthening the independence of its experts; proposals concerning the rationalization of the agenda, bearing in mind, inter alia, the relationship between the agenda of the Subcommission and that of the Commission; initiatives which would facilitate the widest possible dissemination of the findings of the Subcommission, such as the preparation of a short summary of each completed study, the purpose being that the summaries of all studies completed during a session might be published separately in various languages, thus contributing to better publicity for the studies; and developing a programme of familiarization with the work of the Subcommission for new members and alternates.

The Commission reaffirmed that one of the tasks of the Subcommission was a thorough examination of information concerning alleged human rights violations. It called upon States to nominate as members and alternates persons meeting the criteria of independent experts, who should discharge in that capacity their functions as members of the Subcommission, and to respect fully the independence of elected members.

In a resolution on human rights and disability (document E/CN.4/1993/L.65/Rev.1), the Commission appealed to Member States to highlight the observance of the International Day of Disabled Persons on 3 December every year with a view to the achievement of the full and equal enjoyment of human rights and participation in society by persons with disabilities; and welcomed the establishment of a Ministers' Working Group and the decision taken as the result of its initial meeting, held in Paris on 19 January, to create an international mechanism for ministers to promote cooperation and international exchange with respect to the status of persons with disabilities. It also welcomed the adoption by the Commission on Social Development of standard rules on the equalization of opportunities for disabled persons. It encouraged States to implement the rules as an essential element in the full integration into society of persons with disabilities.

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In a resolution on the International Year of the World's Indigenous People, 1993 (document E/CN.4/1993/L.66), the Commission called upon the United Nations system and Governments to develop policies in support of the objectives and theme of the International Year and to strengthen the institutional framework for their implementation. It appealed to the specialized agencies, regional commissions, financial and development institutions and other organizations of the United Nations system to take into special account the needs of indigenous people in their budgeting and programming.

It stressed that the governmental and intergovernmental activities undertaken within the context of the International Year and beyond should take fully into account the development needs of indigenous people, their own particularities and initiatives and the need for making full use of the contributions which indigenous communities could bring to sustainable national development. It further encouraged the Preparatory Committee for the World Conference on Human Rights, at its fourth session, to consider how issues pertinent to the International Year could be addressed within the framework of the Conference, including the substantive participation of indigenous people and the Chairperson-Rapporteur of the Working Group on Indigenous Populations. The Commission authorized the Chairperson-Rapporteur to represent the Working Group at the World Conference.

Regarding the report of the Working Group on Indigenous Populations of the Subcommission on Prevention of Discrimination and Protection of Minorities (document E/CN.4/1993/L.67), the Commission welcomed the recommendation of the Subcommission that the Chairman-Rapporteur of the Working Group, Erica-Irene A. Daes, be entrusted with the task of further elaborating the draft universal declaration on indigenous rights, taking into consideration the comments on the draft declaration which would be provided by Governments, indigenous people's organizations and other interested parties pursuant to the resolution of the Subcommission. It requested the Secretary-General to give the Chairman-Rapporteur of the Working Group the resources and assistance necessary to carry out her task.

It recommended to the Economic and Social Council that the Working Group be authorized to meet for 10 working days prior to the forty-fifth session of the Subcommission, for the purpose of completing a draft declaration on indigenous rights in consultation with interested Governments and indigenous people's organizations; and that upon final adoption of the declaration, a report be issued as a United Nations sales publication to ensure its widest distribution.

The Commission urged the Working Group to intensify its efforts to complete as soon as possible the elaboration of international standards based on a continued and comprehensive review of developments pertaining to the promotion and protection of the human rights of indigenous people and of the situation and aspirations of indigenous people throughout the world. It also requested the Working Group at its eleventh session, and the Subcommission at

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its forty-fifth session, to complete their consideration of the draft universal declaration of indigenous rights and to submit their report to the Commission on Human Rights at its fiftieth session.

Regarding the study on treaties, agreements and other constructive arrangements between States and indigenous populations, the Commission endorsed the request of the Subcommission to the Special Rapporteur to submit a second progress report on the study to the Working Group on Indigenous Populations at its twelfth session and to the Subcommission at its forty-sixth session. It also recommended that the Economic and Social Council endorse a request of the Subcommission to the Secretary-General to give the Special Rapporteur all the assistance necessary to allow him to continue his work.

In a resolution on human rights in the administration of justice (document E/CN.4/1993/L.46/Rev.1), the Commission emphasized that civil and political rights could not be separated from economic, social and cultural rights or from rights embodied in other international human rights instruments and acknowledged that it was the primary responsibility of all Governments to promote and protect human rights. It commended the efforts of African and other developing countries to improve the administration of justice and to promote and protect human rights, notwithstanding the limited financial and material resources at their disposal.

The resolution urged Governments to allocate more resources to the institutions concerned with the administration of justice and to strengthen existing national and regional human rights institutions, particularly in developing countries. It appealed to Governments to include the administration of justice as an integral part of the development process and to allocate adequate resources for the provision of legal aid services with a view to the the promotion and protection of human rights. It appealed to the international community to provide assistance for legal aid services with a view to ensuring the promotion, protection and full enjoyment of human rights in Africa and other developing countries.

Regarding human rights and forensic science (document E/CN.4/1993/L.49), the Commission invited States to take measures to introduce into their rules and practices the international standards set forth in the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, as well as the model autopsy protocol set forth in the Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions. It requested the Secretary-General to consult with Governments, United Nations bodies, professional organizations of forensic experts, the organizations mentioned in his report and other interested institutions with a view to identifying individual experts who might be asked to join forensic teams or to provide advice or assistance to thematic or country mechanisms, advisory services and technical assistance programmes.

The Commission also requested the Secretary-General to establish, on the basis of those consultations and of continuing efforts on the part of the Working Group on Enforced or Involuntary Disappearances to render active assistance, a list of forensic experts and experts in related fields who could

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be requested to help international mechanisms in the field of human rights, Governments and the Centre for Human Rights in providing technical and advisory services, advice in regard to the monitoring of human rights violations and training of local teams and/or assistance in the reunification of families of the disappeared. It further requested the Secretary-General to make that list available to the special rapporteurs and experts of the United Nations human rights mechanisms as well as to provide appropriate resources, within existing overall United Nations resources, to fund the activities of the Centre for Human Rights in implementing the present resolution.

Concerning the question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (document E/CN.4/1993/L.52), the Commission took note of the report of the Working Group on the draft optional protocol (E/CN.4/1993/28) and welcomed the substantial progress it had made at its first session, which enabled an exhaustive analysis to be made of the essential basic principles of the draft.

It recommended that the Economic and Social Council authorize the meeting of an open-ended working group of the Commission with a view to continuing the elaboration of the draft optional protocol, to be held between sessions for a period of two weeks prior to the fiftieth session of the Commission on Human Rights. The Secretary-General would be requested to extend to the working group all necessary facilities for its meetings and to transmit its report to Governments, the specialized agencies, the Chairmen of the human rights treaty bodies, and the intergovernmental and non-governmental organizations concerned.

Under a resolution on the question of enforced or involuntary disappearances (document E/CN.4/1993/L.53), the Commission invited Governments to take appropriate legislative or other steps to prevent and punish the practice of enforced disappearances with special reference to the Declaration on the Protection of All Persons from Enforced Disappearances, and to take action to that end nationally, regionally and in cooperation with the United Nations. It noted with concern that some Governments had never provided substantive replies concerning disappearances alleged to have occurred on their territory and deplored the fact that some Governments had not acted on the recommendations concerning them made in the reports of the Working Group on Enforced or Involuntary Disappearances.

The Commission urged Governments concerned to assist the Working Group so that it might carry out its mandate effectively, and in particular, to reply expeditiously to its requests for information. It once again urged those Governments to take steps to protect the families of disappeared persons against any intimidation or ill-treatment to which they might be subjected. It also urged them to take steps to ensure that, when a state of emergency was introduced, the protection of human rights was guaranteed, particularly as regards the prevention of enforced disappearances. The Commission invited the Working Group to continue to consider the question of impunity, and to pay attention to cases of children subjected to enforced disappearance and children of disappeared persons.

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With regard to arbitrary detention (document E/CN.4/1993/L.55), the Commission requested the Working Group on the question to continue to gather information from Governments and intergovernmental and non-governmental organizations, as well as from the individuals concerned, their families or legal representatives. It considered that the Working Group could take up cases on its own initiative; called upon Governments concerned to pay due heed to the Working Group's decisions; and encouraged them to consider inviting the Working Group to their countries so as to enable it to discharge its protection mandate even more effectively. It noted with concern that the practice of arbitrary detention was facilitated and aggravated by several factors such as abuse of states of emergency, too vague a definition of offences against State security and the existence of special jurisdictions.

The resolution requested the Secretary-General to ensure that the Working Group received all the necessary assistance. It requested the Working Group to submit a report and to make all suggestions and recommendations for better fulfilment of its task, particularly in regard to ways of ensuring the follow-up to its decisions, in cooperation with Governments.

Concerning the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (document E/CN.4/1993/L.56), the Commission stressed the importance of strict adherence by States parties to the obligations under the Convention regarding the financing of the Committee against Torture and urged States parties that had not yet paid their assessed contributions to fulfil their obligations forthwith. It requested the Secretary-General to ensure the provision of appropriate staff and facilities for the effective performance of the functions of the Committee and urged all States to become parties to the Convention as a matter of priority.

A resolution on the United Nations Voluntary Fund for Victims of Torture (document E/CN.4/1993/L.57) appealed to all Governments, organizations and individuals in a position to do so to respond favourably to requests for contributions to the Fund, on a regular basis if possible, and to the fund-raising campaign launched in 1992. It called upon the Secretary-General to consider the possibility of arranging a special pledging session for the Fund in the context of the World Conference on Human Rights, to be held in Vienna from 14 to 25 June, and requested him to ensure, within the overall budgetary framework of the United Nations, the provision of adequate staff and computer equipment for the operations of the Fund.

Concerning staff members of the United Nations and of the specialized agencies in detention (document E/CN.4/1993/L.61), the Commission requested the Secretary-General to take steps aimed at ensuring the application without delay of all the recommendations contained in the final report of the Special Rapporteur (E/CN.4/Sub.2/1992/19) and appealed once again to Member States to respect and to ensure respect for the rights of staff members and others acting under the authority of the United Nations and their families.

It also requested the Secretary-General to continue his efforts to ensure that the human rights, privileges and immunities of United Nations staff members, experts and their families were fully respected and to seek redress

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and compensation for the damage caused to them, as well as their full reintegration, when their human rights, privileges and immunities had been violated. It urged Member States, to provide adequate and prompt information concerning the arrest or detention of United Nations staff members, experts and their families, and to grant the representative of the competent international organization access to them without delay. It also requested the existing human rights mechanisms to examine as appropriate the cases involving the human rights of staff members of the United Nations system and their families, as well as experts, special rapporteurs and consultants, and to transmit the relevant part of their reports to the Secretary-General for inclusion in his report to the Commission on Human Rights.

A resolution on torture and other cruel, inhuman or degrading treatment or punishment (document E/CN.4/1993/L.63) endorsed the recommendation of the Special Rapporteur that those who violated article 7 of the international Covenant on Civil and Political Rights, whether by encouraging, ordering, tolerating or perpetrating prohibited acts, should be held responsible and that whenever a complaint of torture was found to be justified, the perpetrators should be severely punished, especially the official in charge of the place of detention where the torture was found to have taken place. It called upon all States to adhere to the Convention against Torture and requested the Special Rapporteur to continue to promote universal accession to that Convention.

The resolution emphasized the importance of training programmes for law enforcement and security personnel and drew the attention of Governments to the possibilities offered by the United Nations programme of advisory services in the field of human rights. It appealed to all Governments to assist the Special Rapporteur in the performance of his tasks and urged those Governments that had not yet responded to communications transmitted to them by the Special Rapporteur to answer expeditiously.

Under a resolution on the human rights of all persons subjected to any form of detention or imprisonment (document E/CN.4/1993/L.64), the Commission reaffirmed the importance of the full and effective implementation of all United Nations standards on human rights in the administration of justice and recognized the important role that non-governmental organizations, including professional associations of lawyers and judges, could play in promoting human rights in the administration of justice. It requested the Subcommission to continue its practice of creating a sessional working group on detention to formulate proposals regarding human rights in the administration of justice; and invited the Commission on Crime Prevention and Criminal Justice to explore ways of cooperating with the human rights programme in the field of the administration of justice, with special emphasis on the effective implementation of norms and standards.

A resolution on human rights and states of emergency recommended the inclusion in the agenda of the forthcoming World Conference on Human Rights, of an item on Strengthening protection of human rights during states of emergency. It also recommended that the Economic and Social Council endorse the request by the Subcommission to Leandro Despouy, Special Rapporteur on

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human rights and states of emergency, to continue to update the list of states of emergency and to include in his annual report to the Subcommission and the Commission, recommendations on inalienable or non-derogable rights, and that the Secretary-General provide the Special Rapporteur with all the assistance he might require to carry out his work.

The Commission endorsed the Subcommission's decision to request El Hadji Guissé and Louis Joinet to draft a study on the impunity of perpetrators of violations of human rights in order, in particular, to determine the scope of the phenomenon of impunity and to propose measures to combat that practice. It requested the Secretary-General to provide the Special Rapporteurs with any assistance required.

A resolution on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers welcomed the recommendations contained in the report of the Special Rapporteur dealing with the question (E/CN.4/Sub.2/1992/25/Add.1). It endorsed the decision of the Subcommission to entrust Louis Joinet with the preparation of a report; to bring to the attention of the Subcommission information on practices and measures which had served to strengthen or to weaken the independence of the judiciary and the protection of practising lawyers in accordance with United Nations standards; to propose specific recommendations to be taken into account in the advisory services and technical assistance programmes and projects of the United Nations; and to examine ways of enhancing cooperation and avoiding duplication in the work of the Commission on Crime Prevention and Criminal Justice and that of the Subcommission.

Under a decision on the right to a fair trial, the Commission expressed its appreciation to the Special Rapporteurs, Stanislav Chernichenko and William Treat, for their continued work on the study entitled "The right to a fair trial: current recognition and measures necessary for its strengthening"; and endorsed the request to them to continue their study.

Regarding the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms, the Commission endorsed the request of the Subcommission to Theo van Boven, Special Rapporteur on the question, to continue his study and to submit to the Subcommission, at its forty-fifth session, a final report which should include conclusions and recommendations aimed at developing basic principles and guidelines with respect to that right.

By a resolution on the International Year for the World's Indigenous People, the Commission endorsed the decision of the Subcommission to authorize the Chairperson-Rapporteur of the Working Group on Indigenous Populations, Erica-Irene Daes, to represent it at the opening ceremonies for the International Year for the World's Indigenous People in New York and the recommendation that Christy Mbonu to be invited to participate in those ceremonies.

A resolution on a study of the issue of the privatization of prisons endorsed the request of the Subcommission to Claire Palley to prepare, without

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financial implications, an outline of the possible utility, scope and structure of a special study which might be undertaken on the issue, to be submitted to the Working Group on Detention and to the Subcommission at its forty-fifth session.

Concerning the right to freedom of opinion and expression (document E/CN.4/1993/L.48), the Commission expressed its concern at the extensive occurrence in many parts of the world of detention, as well as discrimination, threats and acts of violence and harassment, including persecution and intimidation, directed at persons who exercise the right to freedom of opinion and expression as affirmed in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

It requested the Chairman of the Commission to appoint, for a period of three years, an individual of recognized international standing as special rapporteur on the promotion and protection of the right to freedom of opinion and expression to gather all relevant information. It also requested him, as a matter of high priority, to gather all relevant information against professionals in the field of information. It requested him to submit to the Commission, beginning at its fiftieth session, a report covering the activities relating to his or her mandate.

Statements

In the continued debate on human rights violations, BENITEZ MOLINA of the Commission for the Defense of Human Rights in Central America, said that suffering and poverty in Latin America had been aggravated through the application of neo-liberal development policies designed to meet the structural adjustment policies of the international financial institutions. The Commission had decided in 1986 to exclude Guatemala from its special rapporteur procedure, but the situation had not improved. The influence of the military was excessive and hampered the development of the law. Its members were involved in violations of human rights. The paramilitary forces were also responsible for violations, mainly in rural areas and mostly against indigenous people. The appointment of a special rapporteur could be a way of helping to reduce the violations. In El Salvador, the death squads still operated and were responsible for at least five deaths in 1992. Victims of human rights violations had not been compensated. The Commission should also keep El Salvador under agenda item 12.

SISWA SANTOS, of the Movement against Racism and for Friendship among Peoples, said that on 23 January, people in a small and rather isolated village in East Java were about to begin a peaceful protest against the expropriation of 150 hectares of their fertile land when the marines, later supported by the police, blockaded the village, harassed and interrogated the villagers and local people passing by, and searched for students who had come from universities in the cities to support the peaceful protest. Before the Government intervened, 17 students, were arrested in separate places and were severely tortured while being interrogated by the police and the army in Surabaya, the capital of East Java. The Commission should investigate the human rights situation in Indonesia and in the occupied territories like Aceh

and East Timor. It should also carry out an exhaustive investigation about human rights violations in East Timor perpetrated by the Indonesian forces of occupation; pay special attention to the sufferings of the women, especially the atrocity of rape, and take more concrete measures than hitherto to end human rights abuses there.

MIKE FORSTER, of the International Federation for the Protection of Ethnic, Cultural, Linguistic and All Other Minorities, said that China should be brought under the same scrutiny as other serious violators of human rights. Among issues of concern in China were the treatment of Muslims, in particular the Uyghurs of East Turkestan. The Uyghurs were being discriminated against, and their region was being subjected to a population transfer policy which was threatening their distinct cultural and religious identity. The situation in Tibet should be addressed as a separate matter. As was evident from past experience, improvement in human rights conditions in China did not necessarily result in any improvement in Tibet.

With respect to East Timor, he said, the Commission should adopt a resolution which, at a minimum, should once again call for the opening of the Territory to human rights organizations. He was also concerned about human rights violations in Western Sahara, particularly the fate of hundreds of people reported to have disappeared in the occupied zones and in the south of Morocco. In Bougainville the situation was worsening, to a point where the very survival of the country and people was being threatened. That was an issue on which the Commission could have a decisive impact. Bougainville had been under blockade since April 1990. The situation in the Chittagong Hill Tracts of Bangladesh was also grave.

JOSE RAMOS-HORTA, of the National Aboriginal and Islander Legal Services Secretariat, said Indonesia was a geographic expression whose boundaries were inherited from the so-called Dutch East Indies. Common sense had been cast aside by the military rulers who decided to invade and annex East Timor in 1975. It was astonishing that the Indonesian delegation had criticized Israel for not complying with the Security Council resolutions on Palestine when it had also failed to comply with Security Council Resolutions 384 and 389 which called on the Government of Indonesia to withdraw all its troops from East Timor. The Indonesian Ambassador to Australia, speaking recently in the Australian Parliament, had acknowledged that his country had underestimated the international reaction to the invasion of East Timor.

He said the Indonesian delegation had mixed up the situation in East Timor with the situation in Palestine in referring to civilian population subjected to the unlawful use of lethal force, disruption of normal life and activities, restriction of movement, destruction of dwellings, imprisonment and incarceration of political detainees and civilians without trial.

J. CLAUDE LUTHI, of the International Human Rights Internship Programme, said the Kurdish population was today, more than ever, victims of the repression of States which occupied Kurdish regions. In 1992, the Turkish State had carried out a ruthless repression against the Kurdish civilian population. Not only had there been no progress, but the situation had in

fact deteriorated since November 1991 in the region bordering Iraq. Some 385 civilians, including 43 politicians and 14 journalists, had been murdered. None of the murderers had yet been arrested. The Turkish Air Force had carried out 16 air raids in Iraqi Kurdistan, in flagrant violation of resolution 788 of the Security Council. During those operations, dozens of civilians had been killed, but no action had been taken against Turkey. It was vital that the Special Rapporteur on Summary and Arbitrary Executions, as well as the Working Group on Arbitrary Detention, visit the Kurds of Turkey and Iraq and report to the Commission.

BILL SIMMONS, of the International Indian Treaty Council, said there appeared to be a pattern of 500 years of gross violations of human rights and fundamental freedoms across the Americas for traditional indigenous nations. In the United States, Indian peoples still continued to struggle for their human rights. In Hawaii, for 100 years, the indigenous inhabitants had been denied their fundamental freedoms as a consequence of the United States invasion and theft of the Hawaiian nation in 1893. The Commission should continue to study the case of El Salvador because, as the Independent Expert had affirmed in his report, it was still premature to speak of a substantial improvement in the human rights situation in that country. In Guatemala, violations of human rights and fundamental freedoms were planned, systematic, grave and repeated. The Treaty Council was also deeply concerned about the situation of Bougainville, of Sri Lanka, of East Timor and of Morocco, where the Moroccan authorities continued violating the rights of the Saharan people.

LUIS ZUNIGA REY, of the International Immigrants Foundation, said the report of the Special Rapporteur on Cuba revealed what political exiles had been saying for many years. That dramatic situation had become painfully prolonged; it had lasted for 34 years. The report described torture, arbitrary detentions and extra-judicial executions. All information showed that Cuba did not respect human rights. The Government had set up an array of legal distortions. One could see why countries like Iraq, Iran, China and Libya protected the Cuban regime. It was not clear, however, why nations with democratic systems such as Venezuela, Peru, Brazil and Colombia persisted in closing their eyes and refused to see the real Cuban tragedy. The blockade by the United States had nothing to do with the economic disaster of Cuba. Communist economic models created such disasters everywhere. They used their resources to build the eighth biggest army in the world. Any funds or credit to Cuba would be used in the same way as in the past. Food rationing would continue. It was necessary to eradicate the causes of the human rights violations in Cuba.

HERNANDO HERRERA, of the World Christian Life Community, speaking in conjunction with the Latin American Association of Jurists, said Decree Law 25572 of 22 October 1992 in Peru had reduced social expenditures by 42 per cent and had increased funds to pay off the foreign debt, all in a country where the number of people below the poverty level went from 7 million to 12 million during 1991 alone. Such actions were praised by the International Monetary Fund and the World Bank. At the same time, the Government reacted violently against its indigenous and rural people and farmers. Lawyers were imprisoned and killed. The human rights situation was serious in Haiti, and

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in Colombia it was one of blood-curdling terror. Special Rapporteurs should be appointed for both Peru and Colombia.

C. OZDEN-NELTRY, of the Centre Europe-Tiers Monde, said that no one was unaware of the human rights violations which were committed in Haiti by the two de facto Governments since the military coup of 29 September 1991. The violations extended to the entire population and territory. All union leaders, human rights activists and members of opposition parties, as well as journalists, were being persecuted. In Iran, the repression by the officials against women had reached even larger proportions. Numerous Iranian opposition activists outside the country had been assassinated. She condemned the export of State terrorism. Iranian diplomats were implicated in those killings. She asked States on whose territory those assassinations took place to investigate and judge the murderers. She also condemned the systematization of human rights violations in the Kurdish areas of Turkey. Everyone was aware that the Turkish Government had not made any effort to restore a State of law, she said. Therefore, the Commission should appoint a special rapporteur on Turkey.

CLARISSA BALAN-SYCIP, of the World Student Christian Federation, said scores of prisoners of conscience were held in Cuban prisons at the end of 1992, many of them critics of the Government or human rights activists detained in the course of their peaceful activities. The continuation of the United States embargo against Cuba was unacceptable and had turned out to be a major obstacle to the emergence of a positive climate in which significant political changes might lead to respect and fulfilment of human rights in Cuba. The Commission, she said, had a historic responsibility to call on the United States and Cuban Governments to overcome outdated political stereotypes and to engage in constructive dialogue. The Federation opposed in the strongest terms, the inhuman and unlawful deportation of 415 Palestinians by the Israeli Government. The Peace Agreement reached over a year ago in El Salvador, which had brought much hope and optimism, had not generated the necessary changes that would guarantee full respect for human rights. The quantity of human rights violations had indeed decreased, yet the incidence of violent deaths which had most of the time been attributed to common crimes had increased.

HAMID REXA ESHAGHI, of the International Falcon Movement, said that in the last year, Iran had been the scene of large demonstrations and protest movements against the regime of the mullahs. The Special Rapporteur on Iran had said that the demonstrations had been savagely repressed. He had also quoted the chief of the judiciary of the regime as saying that the demonstrators would be confronted with quick and decisive justice. The international and national press had emphasized that the demonstrations were due to economic and social disaster. Women were the victims of medieval laws, and the situation of the children in Iran was not much better. Nowhere else in the world were children's rights violated to the same degree. They were arbitrarily arrested, tortured and even executed. The public hanging of political dissidents in Iran had a terrible effect on children. Another

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aspect of the repression was in the export of terrorism. The regime, which did not tolerate opposition, violated all international laws. Was it not time to impose sanctions against this terrorist state?.

CONSTANCRO PIUTO, of Anti-Slavery International, said repression was a tradition of Indonesia which was also practised in East Timor. When he was arrested on 25 January 1991, he was beaten for over 14 hours until blood came from his mouth, nose, eyes and ears. In the massacre of 12 November 1991, the Indonesian army had killed more than 200 people, most of them young people, and wounded at least 382. Indonesia, after killing 200,000 Timorese people over the past 17 years was still not satisfied. With the isolation of East Timor from the eyes of the international community, the Timorese were being forced to bend to the will of the Indonesian army. The Timorese were following the work of the Commission with great expectation and hope.

Right of Reply

Speaking in right of reply, K. AIZAWA (Japan) said his Government had sincerely dealt with the issue of the so-called comfort women claims, including the question of compensation, in accordance with multilateral and bilateral peace treaties as well as other relevant treaties with the concerned countries. As for the Democratic People's Republic of Korea, the claims issue was under discussion in the bilateral normalization talks now under way. The United Nations was not the organ for solving problems which had occurred before its time. Furthermore, the mandate given to the Special Rapporteur of the Subcommission on the right to restitution, compensation and rehabilitation for victims of gross violations of human rights was to submit conclusions and recommendations in order to develop general principles and guidelines. It was outside his mandate to make recommendations on individual cases of claims for compensation.

N. ZAHARIA (Romania) said, regarding education and minority languages in his country -- questions brought up by Hungary -- he would distribute at the beginning of next week a documentary on the problem along with other aspects of the life of minorities in Romania. Hungary had surprised Romania by bringing the subject up, as it knew very well what the situation was involving the Hungarian language. Romania was glad to negotiate and discuss the matter with anyone.

Q.Y. KHAN MAJLISH (Bangladesh) said there were no separate indigenous people in his country. The population was homogeneous. There was no tribe called Jumma in Bangladesh. The Government was concerned about the activities of some terrorist groups in the Chittagong Hills.

M. FERRIOL ECHAVARRIA (Cuba) asked who the speaker was behind the rhetoric of the International Foundation of Immigrants. He was a frustrated terrorist, he said, who had illegally left Cuba, and had joined counter-revolutionary organizations in the United States as well as the Secret Service. He had been captured in the Province of Havana with 12 other armed persons. He had tried to endanger the lives of innocent civilians. Despite a 25-year prison sentence after a fair trial, that sentence was due to expire

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this year. But that gentleman had escaped to the United States in 1989. Every year he came before the Commission and told the same story.

MURAT AOALI (Turkey) said that the representatives of Cyprus had questioned Turkey's position in the global arena. They were tragically mistaken to challenge Turkey's place in the past, present or future. He wondered whether the Greek Cypriots really believed in what they said. The problem of Cyprus did not have a chance of finding a solution if hypocrisy and demagoguery were maintained.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/446
11 March 1993

MINISTER OF RWANDA ADDRESSES HUMAN RIGHTS COMMISSION

Calls for International Help to End Civil Strife and Assist Displaced Persons

GENEVA, 8 March (UN Information Service) -- The international community must respond urgently to widespread fighting, human rights abuses, and the basic needs of over 1 million displaced persons in Rwanda, that country's Minister for Primary and Secondary Education told the Commission on Human Rights this morning.

Agatha Uwilingiyimana noted that a cease-fire agreement had been signed between the Government and the Rwandese Patriotic Front, but outstanding issues remained unresolved. She charged that reactionary forces had interfered with the agreement reached by the two parties, adding that the country's only hope was to reach a political settlement through democratic means.

Also this morning, the Commission discussed the rights of children worldwide. The representative of Malaysia, drawing attention to the rise of serious social problems in certain developed countries expressed fear about growing racism and xenophobia among young people in certain Western countries. The representative of the United States said her country had specific government programmes to deal with drug and alcohol abuse, the increasing incidence of child abuse, and the problem of runaway and homeless youth. Despite such measures, children fell between the cracks and the country could do better.

The Commission decided, by consensus, to defer consideration of the question of Cyprus to next year's annual meeting. Turkey expressed reservations about existing Commission policies on Cyprus.

Statements were also made by China and Australia. The observer for Denmark spoke on behalf of the member States of the European Community.

Non-governmental organizations addressing the morning's meeting were the International Peace Bureau, World University Service, Minority Rights Group,

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For information media--not an official record

World Federation of Democratic Youth, Bahá'í International Community and Disabled Peoples' International.

Representatives of the Democratic People's Republic of Korea and the Philippines spoke in exercise of their right of reply.

Statements

AGATHA UWILINGIYIMANA, Minister for Primary and Secondary Education of Rwanda, said her Government faced difficult challenges and responsibilities in fostering human rights, but was dealing with them. Sixteen political parties had been recognized since the beginning of the transition process in 1990. The Rwandan Patriotic Front had sparked a civil war in the same year. The Patriotic Front had been based in the neighbouring country of Uganda, which had given it aid and support. Rwanda was a small, land-locked country that rarely received international attention except when there was distressing news related to its civil war, she said.

Negotiations with the Patriotic Front had commenced last April, she continued. A cease-fire agreement had been signed, but three issues remained to be resolved: military integration, the problem of Rwandese refugees and the return of internally displaced persons. Reactionary forces had interfered with the agreements reached by the two parties. There had been massacres of the civilian population and much material damage had occurred. In the interests of maintaining order, some administrative authorities had been suspended for complicity with the reactionary forces. Regrettably, the Patriotic Front had subsequently broken the cease-fire agreement, committing new atrocities and greatly swelling the numbers of displaced persons, who now exceeded 1 million.

The transitional Government, composed of five political parties, was struggling to re-establish peace and security and to guarantee respect for human rights, she went on. Rwanda had been opened to international human rights groups, and a number of national human rights associations had been allowed to operate there without interference. The transitional Government had invited an independent international commission to investigate the civil troubles, its report was expected today.

The Government recognized that human rights had been trampled on since the war began, she continued. Violent means were used by those opposing the Government, and the Government deeply regretted all offences which had been committed. The Government had responded strictly and truthfully to a verbal request by the Secretary-General for a review of the human rights situation. Meanwhile, international help was desperately needed for the displaced, who were now living in sub-human conditions. It was necessary to have a speedy settlement of the political conflict through democratic means. That was the only hope for the country.

A. BARRETO SOARES, of the International Peace Bureau, recalled that he had been nine years old when East Timor was invaded by the Indonesian military in 1975 and had been forced to flee to the countryside with his family. The

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people in his country were not allowed to listen to foreign broadcasts and were punished if found to be doing so. Houses were raided in the early morning or late at night. People suspected to be members of the Revolutionary Front for the Independence of East Timor (FRETILIN) were arrested and imprisoned. Human rights abuses in East Timor could not be separated from the struggle for self-determination and independence. Such abuses would continue as long as there was no peaceful solution to the East Timor problem. He called upon the Commission to take meaningful initiatives to put an end to the human rights violations in East Timor.

F. DE VLAMING, of the World University Service, said thousands of students had disappeared from Burma's schools and universities and, despite widespread international condemnation, no investigation of the matter had been conducted. A large number of students and teachers had been arrested and many had been given long jail terms. Torture was also widespread.

He urged the Commission to continue to monitor the situation in Bougainville and to invite the Government of Papua New Guinea to resume constructive dialogue with all parties to the crisis in Bougainville. The Commission should also scrutinize the human rights situation in Guatemala, which had not improved.

The Commission should also follow developments in Sri Lanka, where violence was escalating, he continued. The Government of Sri Lanka should invite the Special Rapporteurs on Torture and on Extrajudicial, Summary or Arbitrary Executions, as well as the Working Group on Disappearances to visit that country this year and annually thereafter until there was substantial improvement of the human rights situation there.

KAREN PARKER, of the Minority Rights Group, said that the Government of Iraq was engaged in gross and flagrant violations of human rights against the marsh Arabs within its own territory. There was a great deal of misinformation about the marsh Arabs, their way of life and their current situation. Those Arabs were a vulnerable minority. Although in many ways they formed an integral part of the general population of southern Iraq, they were distinguished by their marshland habitat and the way of life they had developed in response to that environment. Outside the country, interest in the marsh Arabs, and the population of southern Iraq as a whole, had increased as the events of the last two years had unfolded, but detailed information had remained in short supply. Various groups claiming to speak on their behalf as well as Western Governments were taking actions intended to protect them, but the marsh dwellers themselves had never been able to describe their situation publicly. It was crucial that early action be taken in view of the appalling human rights record of the Iraqi Government towards both the Kurds and the Shias.

ALEXANDRE BORDIU, of the World Federation of Democratic Youth, said the South Korean Government had used force to suppress a recent peaceful student demonstration, and members of his organization remained under arrest. In South Africa although the international pressure and struggle of the young blacks had played an important role, the apartheid structures were still in

place. The blacks, who represented 80 per cent of the entire population, were still not allowed to vote. In South America, labour practices were exploiting a great number of youth. In many parts of southern Asia, young persons were the victims of forced prostitution. In Somalia, under the cover of humanitarian operations, the American forces were using violence to repress young Somalis demonstrating against foreign intervention. Young Palestinians also continued their struggle for freedom and against the imprisonment of their fathers and brothers by the Israeli occupying army.

TECHESTE AHDEROM, of the Bahá'í International Community, said that for some 14 years the Bahá'ís -- the largest religious minority in Iran -- had been denied, both individually and collectively, their most basic human rights and freedoms. Bahá'ís in Iran, because of their religious beliefs, had no guaranteed protection under the law. Bahá'ís were consigned to the unfortunate category of "unprotected infidels", whose rights could be violated with impunity. The total number of Bahá'ís killed since 1979 now stood at 201, while 15 others had disappeared and were presumed dead. For over a decade, thousands of Bahá'ís had been deprived of the means to earn a living. They had been systematically denied access to institutions of higher education for over 12 years.

Bahá'ís in a number of cities experienced difficulty burying their dead and had access only to those sites, usually barren pieces of land, which the Government had designated for them. Most of their own cemeteries had been confiscated, along with all their holy places, historical sites and administrative centres. That grave situation merited the continued attention and monitoring of the Commission and the international community.

KAREN PARKER, of Disabled Peoples' International, said she looked forward to the progress that could be achieved during the decade-long United Nations focus on issues of disability. Regrettably, United Nations action to address the gross violations of the rights of the disabled had been limited. None of the recommendations of the Rapporteur for the subject had been implemented. It was especially disappointing that the General Assembly did not approve the urgent request, endorsed by the Rapporteur, for the establishment of a high-level advisory committee of persons nominated by organizations of disabled persons. The urgent request for a proactive rapporteur or ombudsman had been similarly ignored.

GERALDINE FERRARO (United States) said that although the United States had played an active role in the negotiations for the Convention on the Rights of the Child, and had joined members of the General Assembly in adopting it by consensus, it had not yet signed the Convention. However, President Clinton was asking Congress to appropriate additional funds to immunize an estimated 1 million more American infants and children. Child labour laws adopted in the early part of the century were tougher and more vigorously enforced than ever before.

She went on to say that although poverty remained a problem for a minority of the country's children, programmes such as Aid To Families with Dependent Children and Food Stamps kept those children fed and clothed.

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Medicaid provided children with general health care, and the Head Start Programme prepared them for school. Specific government programmes dealt with drug and alcohol abuse, the increasing incidence of child abuse, and the problem of runaway and homeless youth. Despite such measures, children fell between the cracks, she said. The country could do better.

JAKOB ESPER LARSEN (Denmark), speaking on behalf of the member States of the European Community, noted that the issue of children's rights was among the most important to be considered by the Commission. It was vital that the Commission take the lead in ensuring that the international community and individual Governments give children primary consideration when adopting policies affecting them. The Convention on the Rights of the Child was a landmark in the development and international recognition of children's rights.

The European Community was particularly concerned about the phenomenon of street children, he went on. Governments must recognize their obligation to adequately address the question of street children, to investigate all cases of offences against them, and to punish offenders. There were an estimated 30 million street children worldwide. The problem of child employment, a phenomenon that existed in most societies to varying degrees and was often a symptom of poverty, was a cause for concern. All Governments must take further action to implement programmes to combat that problem. Every day, some 150 million children under five went to bed hungry, while some 23 million were classified as malnourished. State health and welfare programmes must accord priority to helping those children.

The Community also remained deeply concerned with the plight of children in areas of armed conflict, he continued. In that context it was important to pay particular attention to the relevance and adequate implementation of existing international instruments, including international humanitarian law. Child prostitution and child pornography were two of the most harmful scourges afflicting children all over the world, including Western societies. There should be no hiding place for people who used, misused, abused and exploited children through prostitution or pornography.

MUSA HITAM (Malaysia) said emphasis must be placed on educational development that would strike a balance between the development of talent, mental and physical abilities on the one hand, and the development of the child's traditional, ethical and spiritual values on the other. In Malaysia, attention was given to quality education, human resource development and greater access to education and training for low-income groups. The family had primary responsibility for ensuring proper child development.

The time had come to translate international commitments on the rights of the child into reality, he said, which must replace mere pledges and rhetoric, given the increasingly difficult social and economic situations faced by many developing countries. The rise of serious social problems in certain developed countries, such as disrespect towards elders, increase in illicit drug activities, school dropouts, vandalism, carjacking, street violence and

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other destructive characteristics among the young was viewed with concern by many in the developing world. Even more frightening was the rise of new racism and xenophobia among young people in certain Western countries.

DUAN JIELONG (China) said children under the age of fifteen numbered more than 300 million in China, accounting for almost 28 per cent of the population there. China had not only protected its children from the sufferings of famine and epidemic, but had also provided the great majority of them with a fairly good education, medical and health care and other basic necessities. Although China as a whole was still a country in its primary stage of development, it was proud of what it had achieved in that area. China was ready to learn from the experience and good practices of other countries, while preserving and carrying forward its excellent tradition of caring for and protecting children.

Last March, the State Council had initiated a programme for Chinese children with specific objectives such as reducing the infant mortality rate by the end of the century, strengthening medical and health care for children, and improving their educational level. The Government and the United Nations Children's Fund (UNICEF) had co-sponsored last August the Second Consultative Conference of the East Asian and Pacific Region on the Convention of the Rights of the Child, in Beijing.

COLIN WILLIS (Australia) said it was important to recall that no matter how impressive the list of States which had accepted legal obligations under the Convention, its principles were so much empty rhetoric without implementation at the national level. In Australia, rather than creating a separate commission for the protection and promotion of children's rights, the Government had recently added the Convention on the Rights of the Child to the international instruments whose implementation was overseen by the country's human rights commission. Like other countries, Australia still had much to do to implement the wide-ranging programme for the protection and promotion of the rights of children which the Convention embodied.

The Australian National Human Rights Commission had made an inquiry into homeless children which had produced substantial improvements in the design, delivery and financing of Government programmes for children. It was appropriate to recall that in Australia, as in a number of other countries, indigenous children were at a particular disadvantage and suffered from discrimination. One recent measure to address that situation was that a Commissioner for Aboriginal and Torres Strait Islander Social Justice had recently been appointed to Australia's National Human Rights Commission. National strategies for the implementation of the Convention should give particular attention to the situation of children with disabilities, he said.

Statements in Exercise of Right of Reply

The observer for the Democratic People's Republic of Korea, speaking in exercise of the right of reply, said that Japan was aware of the revival of new forms of brutal crimes against humanity such as "comfort women" for the Japanese army. The intention of that Government to ignore the gross human

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rights violations which had occurred before the United Nations was established was very dangerous. It was tantamount to stating that the past would be repeated. Without a thorough elimination of the past, a clear future for Japan could not be expected. Concerning Japanese women whose husbands were Koreans, he said the representative of Japan had distorted the facts to make it seem as if Korea was blocking their travel. The problem of the Japanese women was also the result of the forced service and forced labour of 6 million Koreans by Japan.

H.K. VILLARROEL (Philippines) said that in her country non-governmental organizations were considered to be partners in good government. The statement by the representative of the Third World Movement against the Exploitation of Women had said nothing that had not already been disproved and rebutted. She was none the less grateful for the speaker's grudging recognition that the Government had taken steps to improve the situation there.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/447
11 March 1993

HUMAN RIGHTS COMMISSION CONDEMNS ALL VIOLATIONS DIRECTED AGAINST WOMEN

Hears Independent Expert on Human Rights Situation in Guatemala

GENEVA, 8 March (UN Information Service) -- The Commission on Human Rights this afternoon marked International Women's Day with the adoption of a resolution condemning all human rights violations directed specifically against women, including those occurring in situations of armed conflict. The resolution, adopted by consensus, further urged all Governments to include gender data in the information they provided to the Commission and looked to the possible appointment of a special rapporteur on violence against women during the Commission's fiftieth session.

Also this afternoon, the Independent Expert on the human rights situation in Guatemala, Christian Tomuschat, told the Commission that Guatemala had entered a stage of transition, but that the past could not just be swept under the rug. The Unidad Revolucionaria Nacional Guatemalteca (URNG) had to face up to its responsibilities. The civil war, he said, had never been a fight between angels and devils. Both sides had to acknowledge what went wrong and what mistakes they had made.

The Commission also continued its debate on the rights of the child, with most speakers dwelling on the problems of child labour, the status of the Convention on the Rights of the Child, child prostitution and pornography, and children in armed conflict.

The representatives of Argentina, Austria, Tunisia, Bangladesh, Kenya, Sudan, Poland, Iran, Syria, Colombia, Indonesia, India, Cuba and Venezuela participated in the debate on children's rights.

Statements were also made by observers for the United Nations Children's Fund (UNICEF), Spain, Sweden (on behalf of the Nordic countries), the Philippines, Iraq, Switzerland and Italy.

The representatives of the following non-governmental organizations also addressed the Commission: the World Organization against Torture, the World Federation of Methodist Women, the International Association for the Defense

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For information media—not an official record

of Religious Liberty, the Commission for the Defense of Human Rights in Central America, the Friends World Committee for Consultation, the International Association of Educators for World Peace, Pax Christi International, the International Association of Democratic Lawyers, International Educational Development, Inc., the International Fellowship of Reconciliation, International Save the Children Alliance, International Federation Terre des Hommes, the American Association of Jurists, Centre Europe - Tiers Monde, the Baha'i International Community, the World Federation of Democratic Youth, the International Federation of Pedestrians, Fondation Danielle Mitterrand, and the African Association of Education for Development.

Action on Resolution

In a resolution on integrating the rights of women into the human rights mechanisms of the United Nations (document E/CN.4/1993/L.45/Rev.1), adopted by consensus, the Commission condemned all acts of violence and violations of human rights directed specifically against women including those in situations of armed conflict, and requested all special rapporteurs and working groups of the Commission on Human Rights and the Subcommission on Prevention of Discrimination and Protection of Minorities, in the discharge of their mandates, regularly and systematically to include in their reports available information on human rights violations affecting women. It requested the secretariat to ensure that special rapporteurs, experts and working groups were fully apprised of the particular ways in which the rights of women were violated.

The resolution urged Governments to include gender data in the information that they provided, and encouraged closer cooperation between the Commission on Human Rights and the Commission on the Status of Women and their respective secretariats in the promotion, protection and implementation of the rights of women. The Commission also decided to consider the appointment of a special rapporteur on violence against women at its fiftieth session, taking into account the work of the Commission on the Status of women and the results of the World Conference on Human Rights.

Report on Guatemala

On Guatemala, the Commission had before it the report of the Independent Expert, Christian Tomuschat (E/CN.4/1993/10). In his conclusions and recommendations, the Expert stated that one of the major merits of the policies inaugurated by President Serrano was his unequivocal commitment to the peace process through negotiations with the URNG (Unidad Revolucionaria Nacional Guatemalteca). The problem remained how a policy of respect for human rights and fundamental freedoms could be made the unmistakable hallmark of governmental policies at all levels. It was still doubtful whether the President had the unconditional support of the entire governmental machinery in that connection. No great strides ahead which would permit the elimination of that situation of structural tension could be expected in the near future. The general climate of violence still remained one of the dominant features of Guatemala. The National Police had not yet been able significantly to alter its profile of low effectiveness.

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The Expert recommended that efforts to make the National Police a professional instrument for the prevention and repression of crime and a disciplined body of the State which enjoyed the confidence of all citizens must be continued and intensified. The extension of military jurisdiction was excessive and a blatant obstacle to the proper conduct of the legal proceedings in which members of the armed forces were accused of serious violations of human rights, he said. There were still widespread allegations, based on solid evidence, that some elements of the armed forces were involved in attacks on the life and physical integrity of other citizens. As to the indigenous people of Guatemala, the Expert renewed his recommendation, which so far had gone unheeded, that a ministry for indigenous affairs be established. He also suggested that Guatemala's human rights record should continue to be observed by the Commission on Human Rights.

Introducing his report, CHRISTIAN TOMUSCHAT, Independent Expert on the situation of human rights in Guatemala, stated that the return of the refugees from Mexico marked a promising new era in the history of Guatemala. Tens of thousands had fled the country at the height of a murderous civil war that had claimed its victims mainly among the civilian population. For more than ten years they had had to stay abroad. Now, finally, they had decided to come back. The breakthrough was achieved by an agreement concluded on 8 October 1992, between the Government of Guatemala and the refugees, which laid down in detail the specific rights and obligations of the refugees after their reintegration into the national community. Unfortunately, in 1992, the peace agreement had not emerged from the negotiations which had started two years ago after President Serrano had taken office.

In January 1993, he said, a new initiative designed to overcome the present deadlock over the conclusion of an agreement on human rights had been undertaken. The URNG had dismissed the proposals, although accepting in principle to suspend military actions. The peace negotiations could not possibly drag on for years and years. The people of Guatemala had a right to peace. The number of extrajudicial killings and involuntary disappearances had decreased, compared with 1991. There did not seem to be a single documented case of torture in 1992, although many bodies had been found with severe marks of mutilation.

There was no reason to be satisfied, he continued, since Guatemala was still permeated by a climate of violence that manifested itself in threats and acts of intimidation. Attacks on journalists and newspapers had been frequent. Threats of the most menacing character had also been received by persons working for the repression of crime and protection of human rights. Guatemala had entered a stage of transition. The past, however, could not be simply swept under the rug. The URNG, too, had to face up to its responsibilities.

Statements in Debate

HERNAN PLORUTTI (Argentina) said that good progress on the protection of children had been made in his country. Significant focus was placed on preventive programming for the most vulnerable families and their children.

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They would accordingly get a larger budget allocation. The promotion of legislation to prevent the holding of minors in jails would be ready in 1996. Alternative programmes were also being drawn up concerning the institutionalization of children and adolescents, compulsory education and training. Attention was also being paid to the problems of street children, drug abusers, and family violence. Argentine society was implementing many programmes to alleviate the problems of children and adolescents in order to comply with its obligations under the Convention on the Rights of the Child.

CHRISTINE MOSER (Austria) said there was a need for an integrated and multidisciplinary approach that would link measures of prevention, protection and rehabilitation in curbing the sale of children and related problems. Government replies to the annual questionnaire circulated by the Special Rapporteur had diminished by 50 per cent. She appealed to States parties to the Convention on the Rights of the Child once more to cooperate fully with the Special Rapporteur, both in responding to his questionnaire and in inviting him to carry out field visits. She went on to say that the long-awaited adoption of the programme of action for the elimination of the exploitation of child labour constituted a propitious moment for appointing a special rapporteur to update the 1981 report on that question and to extend the study to the problem of debt bondage. Active cooperation between the United Nations, the International Labour Organisation (ILO) and UNICEF could be pursued to find practical means for eliminating child labour in all various forms. Austria's ratification of the Convention on the Rights of the Child had prompted the Government to take all the necessary measures, including an amendment of existing legislation on pornography, for the effective prevention and punishment of child pornography.

HATEM KOTRANE (Tunisia) said that even though never before in history had children benefited from as many rights and as much care as they did now, never before had they been as exposed to risks, including abuse, ill-treatment, prostitution and armed conflict. The recent preparatory meeting for the World Conference on Human Rights which had been held in Tunis had adopted a resolution for the protection of the rights of the child. It had referred to the problems of African children who remained subject to economic and social difficulties or were confronted with armed conflict. The resolution emphasized the rights of the child to protection and to development. Tunisia had defined its own national plan for the protection of the rights of the child.

The role of the family was crucial, he continued. Tunisian legislation involved mothers in the protection of the child. That was also a step towards equality of the sexes. The role of the family could not, however, relieve the role of the State. The Tunisian national plan addressed all the services that the State provided to the children, including health care and education. Education was mandatory and free for children between the ages of 6 and 16. The children of Palestine, Bosnia and Somalia expected the international community to show greater support for them.

YAHYA KHAN MAJLISH (Bangladesh) said that the children in the least developed countries suffered most. They not only bore the full brunt of

endemic poverty but were very often the primary victims of natural disasters and political upheavals. The vulnerability was greatly aggravated by extreme poverty. The least developed countries did not have the necessary economic resources to invest in their children. Fundamental rights of the child like freedom from hunger, ignorance and disease could not be ensured by those countries. The international community had to do more. There was an urgent need for increased external support to those countries and it should be of a long-term nature.

In Bangladesh, he said, the family was the focal point of national efforts to protect and promote the rights of the child. All political and social programmes for children were built around food, shelter, education and health being provided by society through the family. Extreme poverty and total ignorance drove parents to sell their children, which pushed children into the labour force. It was not a question of free choice, but of sheer survival. The rich countries did not do enough in real terms to create new opportunities for the poor.

D. D. C. DON NANJIRA (Kenya) said the world had to be prepared to pay a huge price for the survival of its children and generations to come. One should not allow scientific and technological advances to replace the natural reproductive procedures of human beings, and the traditional roles of parents in families and societies should be restored. Children should be inspired to think independently, to develop initiatives, be concerned about their own surroundings and be interested and better informed about life and service to others. Children should receive the rights of kinds of education to enable them to lead decent lives as human beings and not merely to pass examinations at school and gain diplomas and degrees to enable them to earn a living.

Children were being terribly abused by child labour and exploitation, kidnappings, abductions and disappearances as well as pornography, prostitution and sales for adoption, he said. For corrective measures to be effective, they should aim at successfully eradicating the root causes of the violations of the rights of the child. For the countries of the South, poverty was the fundamental problem. For the countries of the North, however, the root causes of child abuse and exploitation evolved around affluence, cultural, scientific and technological sophistication. The dialogue on the rights of the child had to be intensified within and outside the Commission.

M. A. ELKARIB (Sudan) said his country had presented its report to the Committee on the Rights of the Child, but the long discussions held with the Committee members had not really permitted his delegation to provide all the useful information. The discussion should take place without political considerations. It was a matter of great concern that in certain regions, for example in Iraq, as a result of the embargo, the situation of children had been negatively affected. The Commission should act to improve the situation of children in that country and in the former Yugoslavia.

PIOTR DARANOWSKI (Poland) stated that United Nations advisory services should play a more important role, both in promoting human rights and in preventing their violation. The dissemination of knowledge on human rights,

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training, documentation and information as well as advice to Governments requesting it, not only assisted in safeguarding human rights, but could also contribute to the solution of disputes related to human rights violations. The Centre for Human Rights should also play a more active role in establishing links within the United Nations system to promote human rights. The Centre was facing an increasing gap between its growing responsibilities on the one hand and insufficient means on the other.

He said he hoped the final draft of a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms would soon be submitted to the Commission. The draft confirmed the readiness of United Nations Members to respect the role of human rights defenders and their rights. As to the issue of children, all United Nations bodies should pay due attention to the rights of the child. In particular, support and adequate resources should be provided for the fundamental work of the Committee on the Rights of the Child.

BANAFSHEN KEYNOUSH (Iran) said that economic hardship and social deterioration, particularly when exacerbated by famine or war, were making it increasingly difficult to give children a happy childhood. It was therefore essential to acknowledge the problems facing children and determine how they could be solved. There was great concern at the large number of children who, owing to violence, armed conflicts, natural disasters and economic crises, fell prey to the ills of human society. In Africa, drought had devastated countries already torn by civil war and had afflicted children who were most vulnerable to those dangers. In South America, hundreds of minors were sold, tortured or killed as a result of the intensification of armed conflicts. Even in developed countries, and specifically in North America, violence against children continued against a background of corruption. Extreme poverty attributable to war had led to the influx of a large number of refugees to Iran. Among them were thousands of minors, mostly unschooled, and a majority were infants. It was not always possible to give children all their rights, since the necessary infrastructure was not always available. Patience and hard work also was needed to translate the principles of the Convention to everyday practice.

CHAGHAF KAYALI (Syria), describing education in his country, said that reforms in the syllabus of schools had been carried out; school books were free and a multi-disciplinary approach was being taken to the education and cultural activities of the child. It was against the law to use children as workers in certain industries. The welfare of the child was the responsibility of the family. Concerning the sale of children, which was a transnational problem, there was need for a heightened international consciousness to end that scourge. That was true especially in the developed world, whose inhabitants were the ones who bought the children.

LIGIA GALVIS (Colombia) said the interest of the international community in the rights of the child had a long history. There were, nevertheless, practices which left children subjected to trade and exploitation. If the problems were to be attacked at their roots, the solutions needed to be

international. Regarding mechanisms for the protection of human rights, the Subcommission had already taken numerous steps by initiating studies on such topics as detained juveniles and the sale and exploitation of children. The State should adopt a new approach to the family, and the question should be taken up at the World Conference on Human Rights. Within the United Nations, there was a need for coordination among different bodies which dealt with the question. Colombia supported the idea of the Children's Rights Committee to set up an emergency mechanism.

PERWITORINI WIJONO (Indonesia) said that the goals and aspirations embodied in the Convention posed a challenge to the international community. At present, 35,000 children died each day in developing countries. The State of the World's Children 1993 report indicated that it was possible to end child malnutrition and to prevent disease and widespread illiteracy within a decade. The financial cost of such a proposition was relatively low, compared to the benefits achieved. The Committee on the Rights of the Child, due in large part to the unprecedented number of signatories to the Convention in a short period of time, was faced with a backlog of work that threatened its effective functioning. He welcomed the General Assembly's approval of the recommendation of the States Parties that the future work of the Committee be organized on the basis of two sessions per year. Indonesia had signed the Convention on the Rights of the Child because of its longstanding commitment to improving the situation of children throughout the world. Its concern for children had also been reflected in the inclusion of various programmes in Indonesia's Fifth Development Plan (1989-1994).

A. M. KHUSRO (India) said his Government had been closely involved, both through legislation and action on the ground, in efforts to create conditions whereby its children would enjoy the opportunities for the fullest possible development of their human potential, keeping in mind the socio-economic situation prevailing in India. The Constitution required the protection of children and youth against exploitation and against moral and material abandonment. India had formulated a national policy on child labour in 1987. It was project-oriented and concentrated on areas where child labour was prevalent. The Government had drafted comprehensive legislation to cover as many aspects as possible of problems concerning organ transplants. On the question of child prostitution and traffic in children, the Government had enacted comprehensive legislation and followed a policy of vigorous enforcement. The problem of child prostitution was global and not confined to any particular part of the world. India had, on 11 December 1992, deposited its instrument of accession to the Convention on the Rights of the Child.

JOSE PEREZ NOVOA (Cuba) said that monstrous acts of violence against the rights of the child should be dealt with. Many children were undergoing exploitation and were targets of other violence throughout the world. Children were also made slaves through pornography and forced labour. The report presented to the Commission made clear that children were still in miserable situations. The countries of Eastern Europe were alluded to in the report as suppliers of children for pornography and other exploitation such as the sale of children. The sale of organs was another problem in which children were the victims. The Governments of countries where children were

exploited were not exonerated from their responsibilities. Child pornography was widely circulating in the United States and Europe through videos. Those two parts of the world were prominent in the violent use of children for the purpose of pornography. Children were the hopes of the world. They should be free from famine, disease and the infant mortality rate had to be reduced.

SAMIR SANAD BASTA, of the United Nations Children's Fund (UNICEF), said that in several countries there were gross abuses of the right of the child to security, education, shelter and food. Schools and clinics were being destroyed, and teachers and health workers deliberately targeted. The decision of the Security Council to establish an international tribunal to deal with the violation of women and children in the former Yugoslavia was a step forward. Of the 41 articles in the Convention, 17 had evidently been breached in whole or in part by events in the former Yugoslavia. Governments at the highest political level world-wide, in the World Summit for Children Declaration and Plan of Action, had endorsed the concept of children as a zone of peace, and had committed themselves to further development of innovative forms of providing protection to children in war situations.

It was tragically unfortunate that, for many years and with increasing intensity, children and women had become gratuitous targets in warfare in many parts of the world, he said. The situation in the former Yugoslavia had galvanized the international community. It was critical that the sentiment generated by the horrible events was transformed into the means to help deter any such actions from taking place in the future. A selective reallocation of national expenditures, in most countries part of the expenditures on military defence, could be sufficient to halve the total of the daily murder of 35,000 children and the stunting of many others by poverty.

MARIA E. RUESTA (Venezuela) said her country had made reservations to certain paragraphs of the Convention on the Rights of the Child while ratifying it. Since many human rights conventions were interrelated, her Government had no problem in respect of those rights. There were multinational institutions engaged in trafficking of children for adoption. The adoption of children for financial reasons was inadmissible to the Venezuelan Government.

JULIAN I. PALACIOS SERRANO, observer for Spain, said economic help was crucial to ameliorating the pathetic situation of children in many parts of the world. The children of "economic immigrants" deserved attention; those children either accompanied their parents and were injected into societies in which they were aliens and often subject to racism, or they were left behind by their parents. The problem of street children also needed to be addressed directly. As for child pornography and prostitution, developed countries must abandon their attitude that that did not exist. Violence against children also was a scourge in developed and undeveloped countries. Children were the most defenceless victims of armed conflicts such as the one under way in the Balkans.

ANN MARIE PENNEGARD, observer for Sweden, speaking on behalf of the five Nordic countries, deplored the fact that, despite the adherence of over 120

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States to the Convention on the Rights of the Child, there had been no signs of a decrease in the number of violations of those rights. There were shocking reports about children being executed, tortured, raped and sexually exploited, she said. Many of those grave violations took place in countries that were parties to the Convention. She regretted that a significant number of States had made reservations that were incompatible with the Convention, which provided that every individual child was, without discrimination, bearer of the rights contained in the Convention and that the best interests of the child should be a primary consideration in all actions concerning children. It was a generally accepted principle of international law that States might not invoke national law as justification for their failure to perform treaty obligations.

She condemned all kinds of exploitation of children, such as the sale of children, child prostitution and child pornography, as well as the exploitation of child labour. She also drew attention to the vulnerable position of street children, who were particularly susceptible to all forms of exploitation. Victims of exploitation existed in all countries of the world, and all States had a common responsibility to prevent and combat exploitative practices both on a national and an international level.

LILIA R. BAUTISTA, observer for the Philippines, said children represented the voiceless mass of humanity, without any spokesman or interest group of their own and whose delicate interests were perpetually dependent on the vagaries or bona fide concerns of their adult counterparts. They were the weakest link in the world's chain of vulnerable groups. Following the World Summit for Children held in 1990, the President of the Philippines had issued a proclamation which provided for stronger deterrence and special protection against child abuse and exploitation and discrimination, with penalties for violations. The Philippine Plan of Action for Children was being included in the medium-term development plan for 1993 to 1998.

In view of the broad coverage of the mandate of the Special Rapporteur, he said, it would be extremely useful if one example of each of the various aspects of the sale of children was fully explained in depth, including the transnational dimension. Such a representative case report was not intended to sensationalize the plight of the children in question, but to serve as true testimonies of the ordeals undergone. Consular establishments of developed countries in the developing countries had been overly concerned about rigid and even irksome screening processes to weed out suspected economic migrants to the extent of overlooking the clandestine operation of criminal elements from developed and developing countries preying on innocent children.

BASIL YOUSIF, observer for Iraq, said Iraqi children had been deprived of the right to life since the embargo was declared. Iraq had made great progress in the field of children's rights, but because of the embargo children had become victims of malnutrition and other ailments. The UNICEF had recognized that, because of inadequate nutrition and medical care, children had been seriously affected and were suffering the consequence of the embargo. It had recommended the alleviation of their sufferings. The economic embargo imposed on Iraq also had a damaging effect on Iraqi culture.

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Schoolchildren could not obtain the necessary school materials and writing instruments. Pencil and paper were missing. The Iraqi child was isolated from international civilization. Because of the rise in prices of basic food items, children were not able to obtain the minimum needed for their survival. Families were not in a position to buy basic food ingredients.

LIVIA LEU, observer for Switzerland, said the Swiss Parliament would be dealing with ratification of the Rights of the Child Convention late this year or early next year. Consultations between the various cantons of the country were almost complete and, by and large, the reactions had been positive. Internationally, economic help was needed for children -- such organizations as the International Monetary Fund and the World Bank should take assistance for children into account in financial aid projects. There should be stricter application of existing laws geared towards children to combat child pornography and prostitution while further measures were in development. There must be an increased focus on prevention -- more effort made to care for children and more attention to the "demand" side; sexual tourism must be publicized for what it was, and street children more thoroughly protected. For many years Switzerland had provided financial support to UNICEF's programmes.

PAOLO TORELLA DI ROMAGNANO, observer for Italy, expressed his concern over the large number of reservations that had been made to various provisions, even to provisions concerning implementation, of the Convention on the Rights of the Child. A careful balance of responsibilities in ensuring to the child the enjoyment of his or her rights would be of extreme importance, taking into account that the family, the society and the State were involved. It was essential that the family environment was preserved and protected as far as possible for the child. Even when marriage was dissolved, children should be guaranteed the right to have personal relations with both parents on a regular basis. Italy was seriously concerned at recurring violations of the rights of children to maintain personal contacts with both parents and had taken appropriate steps whenever those violations concerned its citizens. State authorities should be more attentive to ensuring this right and more efficient in preventing violations.

ESTHER BRON, of the World Organization against Torture, said the problems of street children in Brazil, who were often murdered, continued despite attempts by the Government to deal with it. In Haiti, the number of street children had increased since President Aristide was overthrown by the military junta; such children were frequently beaten and tortured, and were even murdered systematically by the armed forces. In Guatemala, socio-economic decline had increased the number of street children; reportedly the police had created a special unit to deal with crime by those children. Given the worsening situation world-wide, the Commission must protect that particularly vulnerable group. In Turkey, abuse of children in detention, particularly Kurdish children, continued; some were even killed. There also were problems with children's rights in East Timor, Kashmir, Mozambique, Liberia, Angola, Sudan and Myanmar.

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RENATE BLOEM, of the World Federation of Methodist Women, said her Federation represented more than six million women around the globe and was engaged in social development programmes to enhance and promote the rights of women and children through Christian teaching. Street children had become a very wide phenomenon, transnational in scope in developed and developing countries alike. The diverse causes which provoked their situation included poverty and other socio-economic factors, broken families, loss of spiritual values and escalating violence on social, domestic and personal levels. Closely linked to their plight were the sale of children, child prostitution and child pornography, at present under the particular mandate of the Special Rapporteur, V. Muntarbhorn. She commended his report and urged Governments to adopt the recommendations of both the present and the previous report of the Special Rapporteur and in particular to ensure law enforcement and police training, independent of their economic climate.

ELLEN LECOURT, of the International Association for the Defence of Religious Liberty, said there were 100 million street children world-wide. In Brazil, Sao Paulo University's Unit for Studies of Violence and the Rio de Janeiro Centre on Marginalized Population reported about 100 children murdered each month in Rio and Sao Paulo with an estimated 70 per cent increase in the past 12 months. In Guatemala, a child care agency, Casa Alianza, reported an 80 per cent increase in violence against children during 1992 and had published a 132-page dossier documenting sexual exploitation in Olongapo city, described as the world's largest brothel. In Olongapo, young children were prey to paedophile groups, including many foreigners. Included in the report was evidence of an undercover operation by the United States Navy Investigation Bureau revealing that children as young as four years old were being sold for sex with United States sailors. In Thailand, a booming sex industry exploited and enslaved young children and women in a vicious spiral of corruption. Western nations had not escaped that extraordinary phenomenon. In Britain, a truly shocking case of child murder involved two ten-year-old children battering to death a two-year-old child whom they had abducted from a crowded shopping mall.

A. BENITEZ MOLIMA, of the Commission for the Defence of Human Rights in Central America, said that millions of children in Latin America were victims of armed conflicts. Many others were also targets of the violation of their fundamental rights. Children in different social groups were suffering from being orphaned, displaced or forcibly adopted. She appealed to all Governments to assume their responsibilities in safeguarding the well-being of the child. She deplored the situation in Central America where, she said, there were 90,000 cases of child victims.

REBECCA ELLIOT, of the Friends World Committee for Consultation, said Quakers were opposed to all use of armed force, but their concern about the involvement of children in armed conflict was shared by many who were not pacifists. That children, some as young as six years old, were allowed, encouraged, or even recruited to fight was an outrage, and the horrifying nature of the acts which such child soldiers performed should not disguise the fact that "they were victims of a war that had no respect for children nor for childhood". Quakers welcomed the fact that the Convention on the Rights of

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the Child set a minimum age for recruitment into armed forces while continuing to regret that the age specified was lower than that generally accepted as the age of majority.

She commended the Governments of Argentina, Austria, Colombia, Germany, Spain and Uruguay which, on becoming parties to the Convention, had made unilateral declarations that they would not recruit those under the age of 18 years into their armed forces. Her Committee urged the Commission to support the call of the Committee on the Rights of the Child for an Optional Protocol to the Convention, making 18 years the minimum age of recruitment into armed forces and strengthening governmental responsibility for ensuring that children below that age did not take part in hostilities.

HENRY BANDIER, of the International Association of Educators for World Peace, said that in many countries, children were suffering from the uneven development and bad partition of the natural resources of the planet. Such problems had aggravated social inequalities. Children, whose rights were determined by the Convention, continued to be innocent victims of fratricides and dictators. Neither children nor their mothers were the actors in war or conflicts; they were the innocent victims. Urgent measures must be taken to end the dangerous and intolerable situation of children.

MICHAEL HOVEY, of Pax Christi International, said that no society could truthfully claim to be committed to the promotion of human rights if it ignored the plight of its children. While his organization continued to regret the wording of article 33, concerning the participation of children in armed combat, and worked to hasten the time when international norms no longer permitted the use of child soldiers, it welcomed the Convention as a giant step towards the full realization of human rights protection for the children of the world. Street children found themselves exposed to various forms of crime, drug abuse, prostitution and violence, including even torture and murder. He cited reports of children forced into prostitution in Thailand and the United States, of children sold into forms of servitude to pay off debts in India and Pakistan, and the tragic abduction and murder of street children in Brazil and the multiple abuses committed against children living on the streets of the former Yugoslavia. He called on the Commission to appoint a Special Rapporteur on the plight of street children to investigate reports of instances of violations in specific countries and to make recommendations aimed at defending the human rights of such children.

ROBERT EMERY, of the International Association of Democratic Lawyers, said there were problems with the sale of children's organs in Argentina, Peru, and Colombia; much information was still missing. There wasn't much in the Special Rapporteur's document to say what to do to stop such wretched practices. Evidence indicated sales of organs in the United States and the United Kingdom. It was clear that the majority of organs sold came from the third world, where it was hard to maintain registries and controls in many countries. It was apparent that in Latin America there were atrocious cases involving the forced removal of children's organs; many did not survive, or were blinded, or missing limbs, or maimed for life. Impunity was a major problem there.

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KAREN PARKER, of International Educational Development, said children in the United States suffered the most governmental disregard of any in the developed world. The United States had a relatively high percentage of children born to HIV-positive mothers. Studies showed that between two thirds to 87 per cent of those infants would seroconvert to HIV-negative within 18 months without any therapeutic interventions. Unfortunately, many infants were treated with AZT, a drug whose extreme toxicity had been bringing it under scrutiny. According to many researchers, there was no rational reason to give HIV-positive babies that drug -- the drug itself would surely kill them. The international community, and especially developing countries where AIDS was a crisis situation, needed to have all appropriate mechanisms such as adequate drug monitoring in order to ensure compliance with the most basic right -- the right to life.

DAVID LITTMAN, of International Fellowship of Reconciliation, said cruel mutilation, both physical and psychic, was still performed every year on about two million female babies, young girls and women in 30 countries in Africa, the Middle East and, to a lesser extent, in Asia. That horrible ritual should long ago have been associated with "torture". It was described with one ghastly word, "excision". Today, it was estimated that between 100 and 200 million women had suffered in that way. The silence of the Commission and the other bodies of the United Nations over the past decades had condemned tens of millions of victims. The women who today demonstrated so forcefully against the crime of rape in wartime should demonstrate against mutilation in peacetime. On another subject, Iran's first contribution to "World Child Year", was a "World Child" stamp showing a small boy smashing a window depicting a blue Star of David, a recognized symbol of Judaism.

SHEPARD HARDER, of International Save the Children Alliance, said that positive results could be noted in a number of countries following the ratification of the Convention on the Rights of the Child. Important legislation was being amended in the spirit of the Convention. Administrative structures were created and budgets reviewed for the protection of the child. Information campaigns were launched to teach children about their own rights. There was a need for advisory services of the kind organized by the Centre for Human Rights.

BRIGITTE EHRET, of International Federation Terre des Hommes, said that in Colombia, the number of children living in the streets had visibly increased. The precise number was not known, since there were no statistics on the subject. Meanwhile, a concept of "internal enemy" had emerged. In urban areas the "internal enemy" concept was extended to marginalized persons such as street children, prostitutes, beggars, petty thieves, or others trying to survive in the streets. During 1992, at least 50 persons per month had been killed because of that concept. As for Nicaragua, the situation of the children there was considered a national calamity. Half of the population was destitute and some 700,000 children lived in particularly difficult circumstances. She urged the Commission to create a committee to investigate serious violations in Colombia of fundamental rights of children, whatever their social status, living place or marginal situation might be.

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A. TEITELBAUM, of the American Association of Jurists, said there was a relationship between infant trafficking and poverty. In South America and the Caribbean, 50 per cent of the population were children under the age of 18. In many parts of those countries, children were subjected to assassinations and trafficking and suffered from armed conflicts. They were also the ones who became victims of poverty and malnutrition. Children in Latin America were victimized through forced disappearances and forced adoption. Adopted children were not allowed to keep their parental ties or to trace back their blood relations with their true parents. The right to one's identity should be safeguarded.

CYNTHIA OZDEN-NEORY, of Centre Europe - Tiers Monde, said Governments had to begin to acknowledge the human rights abuses of children, instead of simply denying them. Lesser-known situations of human rights violations included that of Kurdish children in Turkey, of Haitian children, and of children in Western Sahara. Even in Switzerland the Government had not conformed to all the points of the Convention. The Swiss statute on seasonal laborers did not give them the right to live in Switzerland with their families; that was contrary to Article 10 of the Convention. It was cruel and psychologically difficult to separate children from their parents over a period of years.

MACHID FATIO, of the Baha'í International Community, speaking on behalf of 10 non-governmental organizations, said the right to moral education based on the principle of the oneness of humanity was important. The sad results of the current lack of moral education were evident everywhere. Many of today's children and youth were understandably restless and aimless. They were inhabitants of a rapidly changing world in which old paradigms and assumptions had fallen to the wayside, but had yet to be replaced by new paradigms and values. In such a morally vacant environment, children could easily be lured by the superficial attractions of excessive materialism, on the one hand, or succumb to old racial, national or religious prejudices, on the other.

Only moral education based on the oneness of humanity could give children and youth a vision of a better future and inspire them to build it; a vision that could provide a socially productive channel for their unbounded energies, he said. Moral education in classes or schools was most likely to take effect if the environment reflected and reinforced moral values and encouraged children to apply those values in their daily personal and collective lives. The mass media, a significant part of a child's environment, should share responsibility for providing moral education. Too often the mass media provided negative information to children -- perpetuating negative stereotypes or encouraging violence and cruelty.

A. BORDIU, of the World Federation of Democratic Youth, regretted that few country delegations -- not even a quorum -- were present to hear the statements of the non-governmental organizations, which showed the importance the countries apparently gave to the subject under discussion. The Federation was concerned with the working conditions of children on all continents. Such children had low pay, long hours, and often reaped nothing other than their own deaths. The European Community did not sufficiently limit the work of children; many States did not have laws or closed their eyes to abuses. In

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the United Kingdom, thousands of children worked in the textile industry and there were problems as well in Portugal and Italy. In France, despite stringent laws, there were secret workshops and disreputable apprenticeships. In the United States, children died because of a lack of medical care and thousands of children were improperly arrested.

D. BEYA BATAKALWA, of the International Federation of Pedestrians, said he was concerned over the continued flagrant violation of the human rights of African children. The Zairean leader had reigned single-handedly for the last quarter of a century with the aid of his guards from Pretoria. Among the many victims of President Mobutu were innocent children. The massive and systematic violations of human rights in Zaire was supported by reprisals against those who dared to defy his repressive power. The damage caused by the regime in place against Zairean children was incalculable.

ANITA TEXIER, of France-Liberte - Fondation Danielle Mitterrand, said her organization was worried about the very right to life of children in Brazil. For example, 11 mothers known as the Mothers of Acari had been searching for their children who had been abducted in Rio de Janeiro; they continued to pursue their peaceful search. The mothers, according to information received, had been threatened with death by the military police who were thought to be responsible for the disappearances. Police inquiries had not been concluded; results had not been made public. The leader of the Mothers of Acari had been murdered in broad daylight on 16 January. The Commission should request full information on the matter from the Brazilian authorities, and should call for an exhaustive investigation into her assassination and into the disappearances of the children.

FISSEHA-TSION MENGHISTU, of the African Association of Education and Development, said that what the people of the world were waiting for from the Commission and from Governments was more concrete action rather than mere declarations and conventions. He said Ethiopia had been at war against itself for at least two decades, in which the material destruction and loss of life was incalculable. The consequences of the gross violations of fundamental human rights in general and the rights of Ethiopian children in particular were very depressing. The systematic destruction, disbandment and dismissal of the 500,000 former members of the Ethiopian armed forces, as well as that of 5,000 children whose parents were now illegally detained and subjected to extrajudicial measures, implied that no less than one million children who were dependent on their parents were deprived of their survival requirements. Due to the ethnic conflict fostered by EPRDF, the human tragedy that now existed in Bosnia and Somalia could soon be repeated in Ethiopia. The international community had the moral responsibility to stop such a tragedy from happening.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/448
10 March 1993

RIGHT TO CONSCIENTIOUS OBJECTION DEBATED BY HUMAN RIGHTS COMMISSION

GENEVA, 9 March (UN Information Service) -- Several non-governmental organizations this morning told the Commission on Human Rights that refusal to serve in the military should be allowed for ethical, moral, humanitarian and philosophical reasons as well as religious convictions.

Discussing the issue of conscientious objection, the representative of Pax Christi International said that in Catholic tradition there were just and unjust wars, and that it was necessary to recognize that soldiers and potential recruits had the right to refuse to participate in conflicts they considered unjust. Several speakers stated that soldiers of the United States who had refused to serve in the Gulf war had received unreasonably long prison sentences. Countries had yet to recognize, in any significant way, that military personnel could change their moral convictions about wars and killing.

The Commission also discussed the subject of advisory services in the field of human rights. The programmes of the Centre for Human Rights were considered and ways were suggested in which they might be improved, better monitored, better targeted, and better managed. Several non-governmental organizations mentioned Guatemala and Colombia as countries that should not be receiving advisory services. Instead, they claimed, those countries' practices should be scrutinized because of alleged grave and systematic violations of human rights being committed there. Several representatives maintained that the Centre was overburdened and needed additional funding to meet the demands placed upon it. A number of speakers said careful, critical review of existing and potential technical-services projects was needed.

Statements on the subject of advisory services were made by Lesotho, Bulgaria, Romania, Russian Federation and Chile. Statements were also made by the observer delegations of Denmark (on behalf of the European Community), Norway (on behalf of the Nordic countries), Sweden and Guatemala.

Several non-governmental organizations addressed the issues of advisory services and on the right to conscientious objection.

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For information media--not an official record

Statements

THOMAS PENNY, of the Friends World Committee for Consultation, said that the refusal of the Quakers to go to war was based on their religious conviction that it was wrong to kill another human being. The refusal to bear arms was an aspect of that conviction. Quakers were not alone in that conviction. In 1989, the Commission had recognized the right to conscientious objection, a decision which the Quakers had welcomed. He urged the Commission also to recognize the ethical, humanitarian and philosophical reasons behind conscientious objection. He called on all States to recognize the right to conscientious objection to military service and to grant asylum to those who chose to go abroad rather than take part in the military.

MIGUEL LOREDO, of the International Association of Educators for World Peace, said that the situation of young people in Iran had not improved. Demonstrations by young people for basic human rights had been brutally repressed. The representative of the United Nations had not been granted the right to visit the country. That had also occurred in places like Tibet. Ten young monks had been detained since 1989 for having translated the Universal Declaration of Human Rights into Tibetan. Those were not isolated acts. Young people in Cuba had no possibility for influencing public opinion. Many found it impossible to participate in the work of human rights groups. Thus, many chose exile.

MICHAEL HOVEY, of Pax Christi International, said that on 9 August, people from many countries would gather in the small Austrian village of St. Radegund to commemorate the fiftieth anniversary of the execution of Franz Jaegerstaetter, who was beheaded in 1943 for his refusal to serve in the Nazi army. It was only in the past week that some of the last known United States conscientious objectors to the Gulf war were freed from prison. Men following the dictates of their conscience continued to be jailed in Poland, while conscientious objectors in the former Yugoslavia were pressed into the service of their violent masters. Young men from Guatemala and El Salvador had fled their homelands to avoid being literally picked up on the street by soldiers seeking new recruits. Catholic tradition, as well as other mainstream Christian communities, allowed for the possibility of a "just war" and therefore of an "unjust war", a war in which it would be wrong to participate. That perfectly legitimate moral position was unfortunately not recognized as a legally acceptable form of "selective conscientious objection". He asked the Commission to recognize the right to conscientious objection to military service derived from reasons of conscience or profound conviction arising from religious, ethical, moral, humanitarian, philosophical or similar reasons. It should also recognize the right of persons already in the armed forces to be released on grounds of conscience or profound conviction.

MICHEL MONOD, of War Resisters' International, said that despite the end of the cold war, conflicts had increased throughout the world. Those were fought over self-determination, national independence and religious identity, among other things. He condemned the recourse to armed conflict and paid tribute to conscientious objectors. His organization had supported those

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Americans who had refused to take part in the Gulf war and was now supporting the youth of Serbia, Croatia and Bosnia who refused to fight. Ethical and political motives for conscientious objection should also be recognized. War could also become a problem for already conscripted soldiers. The resolution adopted by the Commission in 1980 should be completed by a reference to the right of objectors to seek asylum in other countries, he said.

MALIK OZDEN, of the Centre Europe-Tiers Monde, recalled that some 2,500 United States soldiers had served long sentences for refusing to serve in the Gulf war. Most of them had enlisted to have jobs, but not to fight or kill others. There were Muslims, Catholics, Protestants and Buddhists among them. The idea that soldiers could change their minds was rarely honoured, and it was necessary to allow soldiers to refuse to participate in wars they considered unjust. In addition, thousands of reserve soldiers in the former Yugoslavia had been forced to flee because they refused to serve in the civil war there; those who were caught were sent to the front as cannon fodder.

L. F. MAEMA (Lesotho) expressed his gratitude to the Human Rights Centre for the technical and advisory assistance it had undertaken in Lesotho. The preparatory work undertaken in early 1992 of devising appropriate structures that would facilitate the holding of free and fair elections according to internationally recognized standards was highly appreciated by the Government. Lesotho was to hold general elections on 27 March. The goals of the Centre for Human Rights should not stop with the monitoring of the free and fair elections; the long-term target of the Centre should be to enhance the effectiveness of the principle of periodic and genuine elections. The United Nations observer mission that would be dispatched to Lesotho to monitor the elections was a most welcome contribution. The post-electoral process would require adherence to various United Nations human rights instruments through ratification, compatibility and reporting on instruments addressing human rights issues. The Government would apply for United Nations assistance in that respect, he said.

VLADIMIR SOTIROV (Bulgaria) stated that the programme of advisory services and technical assistance of the Centre for Human Rights was a necessary and appropriate tool for strengthening national infrastructures aimed at promoting and protecting the fundamental human rights standards. Bulgaria highly appreciated the action-oriented and pragmatic approach of the Centre. As a country undergoing a difficult process of transition from a totalitarian to a democratic society, it had received valuable expert assistance in the reform of its legal system and especially in the preparation of its new Constitution.

He hoped that the fruitful cooperation between Bulgaria and the Centre would develop further. His Government would watch with keen interest the new approach of the Centre which envisaged carrying out a comprehensive needs assessment of a given country and developing an overall programme containing specific projects responding to identified needs. It was obvious that the broad range of advisory services and technical assistance could not be implemented without strengthening the Centre for Human Rights.

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JAKOB ESPER LARSEN, observer for Denmark, speaking on behalf of the European Community and its member States, said that advisory services and technical cooperation in the field of human rights were a very important part of human rights programmes. Moreover, advisory services and technical cooperation should be considered a priority area within the Centre. There was a need for thorough assessment in pre-project phases for appraisal of activities and for evaluation. The budget for the regular programme should be increased. Priority setting, the introduction of more precise criteria for project identification and appraisal and for the identification of target groups could all contribute to further professionalism.

Project implementation by the Centre could be limited to those areas where the special expertise of the Centre was necessary, he said. Establishing a Board of Trustees for the Voluntary Fund for Technical Cooperation entrusted with the task of assisting the Secretary-General in administering the Fund, would help the Centre in achieving greater transparency. The Fund would attract more contributions from different sources if its management and accountability were further improved.

MIHNEA MOTOC (Romania) stated that the quest for improving the overall approach and the techniques related to the advisory services programmes would constitute one of the highlights of the agenda of the World Conference on Human Rights. Already the pre-Conference debate had provided encouraging signs to that effect. One witnessed a steady engagement of the Centre in the provision of technical cooperation aimed at enhancing democratic structures and consolidating the rule of law.

Further, he said, cogent suggestions and proposals had been recently put forward by Amnesty International for a comprehensive, integrated programme dealing with human rights, development projects and activities carried out under the United Nations crime prevention programme. The implementation of the country programme for Romania (1993-1994) was vivid proof of the ongoing process pursued by the Centre for Human Rights. Romania intended to contribute its share to the enhancement and refinement of the international advisory function in human rights, which might well prove a most valuable tool in the new, non-confrontational and constructive phase of the process of upholding human rights everywhere.

S. I. KOSSENKO (Russian Federation) said advisory and technical services for establishing national legal and civil structures were critical. Russia was preparing a bilateral agreement with the Centre for Human Rights for a major programme of advisory assistance. The geographical distribution of the Centre's programmes should be fair; currently they seemed to cover inadequately the vast regions of the former Soviet Union. Without sufficient financial resources, the Centre could not meet the demands placed upon it. Developed countries were requested to give additional political support and to seek greater allocations to the Centre's budget. Aid for Russian legal reforms had come from several nations and was greatly appreciated, but it was best for such assistance to come from the Centre, he said.

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PEDRO OYARCE (Chile) stated that the advisory services played a fundamental role in strengthening national capabilities for the protection of human rights. There should be coordination between the Fund for Technical Assistance and advisory services. When a State received advisory services from the Centre, its own responsibility did not diminish. The fellowships and scholarship programmes should also be considered as training programmes. The Voluntary Fund for Technical Assistance was a valuable complement. It had played a major role in strengthening democracy by its assistance to national institutions and to strengthening legal infrastructures. It left the setting of priorities and programmes to the discretion of the Government concerned. It was indispensable that the Centre for Human Rights coordinate its advisory programme with that of the specialized agencies.

RAGNE BIRTE LUND, observer for Norway, speaking on behalf of the Nordic countries, urged donors to develop strategies for support of the strengthening of democratic institutions and human rights in order to assist developing countries in their own efforts. Additional resources, both human and financial, should be made available for the programme of advisory services, including reallocation within the overall regular United Nations budget to allow the Centre to carry out its mandated tasks. With its limited resources, the Centre could not provide all the assistance requested. The main needs of countries would have to be met by specialized agencies as well as by bilateral donors.

With regard to the Voluntary Fund, he said the increasing number of requests and the complexities of the tasks called for enhanced application of guidelines for appraising project viability, monitoring implementation and assessing results. The board of Trustees should have an advisory function for broad policy issues, and in evaluation and reporting to donors. The Nordic countries were in favour of measures that would increase the transparency of the administration and operations that would hopefully also attract new donors. A clearer role for the non-governmental organizations within the programme of advisory services should be identified.

ULLA STROM (Sweden) announced that her Government had decided to contribute 3 million kronors, equivalent to $385,000, to the Voluntary Fund for Technical Cooperation. In addition, the Swedish Government would contribute the equivalent of $110,000 for the placement of a staff member of the Centre for Human Rights to monitor the human rights situation in Guatemala. The project was being carried out in close cooperation with the United Nations High Commissioner for Refugees (UNHCR).

F. URRUELA PRADO, observer for Guatemala, said the country was at the beginning of the third year of its new democratic Government and, despite difficulties, much progress had been made. In 1992, an agreement had been signed for repatriating refugees; it was proof of a spirit of reconciliation and compromise. The pact included funding for rural refugees to buy land and obtain food. Guatemalan resources were insufficient, a problem which was made worse by the current low prices for the country's export products. The country had cooperated fully with the Commission's Rapporteur for the country and had followed his recommendations. Civil, legal and police reforms were

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under way. Regrettably, armed actions by insurgent groups continued, but the country was pressing ahead with human rights measures and was trying to reach final peace agreements. International assistance and cooperation was requested for that endeavour, he said.

MARIO IBARRA, of the International Indian Treaty Council, said the fact that a country requested assistance from the Centre for Human Rights did not diminish its international obligations. The report on the situation of human rights in Guatemala did not demonstrate any improvement or progress in the human rights situation in that country. Some cases, for instance that of the indigenous people of Guatemala, even showed signs of deterioration. Destruction of villages, intimidation and ill-treatment continued. Daily life continued to be a nightmare. The situation in Guatemala should be dealt with under the item dealing with grave and systematic violations of human rights.

NODELIA PARRA, of the Fondation Danielle Mitterrand, said the office receiving human rights assistance in Colombia had done little with it, and those who had caused involuntary disappearances and detentions continued to go unpunished. Among those who had disappeared was her husband, she said. Those obviously involved in human rights violations should be removed from office. Greater protection should be provided for those who promoted human rights. Her lawyer had been forced to leave the country because of threats. Human rights matters should not be handled by the military judicial system. An expert on advisory services should be appointed to counsel the Colombian Government on human rights. The expert should report back to the Commission on disappearances in Colombia.

MARCELA SALAZAR, of the Centre Europe-Tiers Monde, expressed concern about the provision of advisory services to regimes which systematically violated human rights. In the last few years, the advisory services that had been provided, in particular to Equatorial Guinea, Haiti and Guatemala, had been a subject of criticism. The case of Colombia was also an example of a country which had received advisory services but whose record of human rights did not show any improvement. Actions undertaken by the Government of Colombia had been inadequate. She hoped that Colombia would make efforts to achieve the two objectives it had set, namely, the eradication of paramilitary groups and establishment of a dialogue to end the violence in the country. The Commission should appoint an independent expert to advise the Government of Colombia and to report to the Commission.

RAUL MOLINA, of the World University Service, said the case of Guatemala was wrongly placed under the agenda item of advisory services. His organization objected to protecting the Government from the scrutiny it deserved. The agenda item was for countries that honestly wished to improve their human rights situation. It was not the appropriate place for grave situations such as those in Guatemala, Colombia and Peru. Experts on human rights were advisors to Governments, whereas what was needed was impartial scrutiny. The expert's report reflected the situation in Guatemala objectively, but the conclusions and recommendations were weak and insufficient and tried to absolve civil authorities of their responsibility for repressive policies. The report contained several misconceptions or

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mistakes, such as a reference to indigenous peoples as lacking education and capability.

ISABELLE OSEREDCZUK, of the International Federation of Human Rights, said the report on the situation of human rights in Guatemala showed the gravity of the case of that country. The systematic violation of human rights there had begun before the armed conflict. The Government and the army had chosen to respond to the population's discontent with institutionalized repression. Respect for human rights should in no way be linked to the end of the armed conflict. She expressed concern that the violations of human rights in Guatemala had increased over the past year.

ALMA BENITEZ, of the Commission for the Defence of Human Rights in Central America, said advisory services were valuable when applied in the right place at the right time. The budget for those services must be increased and also used wisely. Services must be provided to Governments that met reasonable criteria for respect for human rights. In Central American countries, it was important not to provide such services to nations in which military forces and regimes were in control; such aid could only strengthen those regimes. Grave and systematic violations, such as those in Guatemala, should not be covered under item 21; not once since 1987 had massive violations ceased despite advisory services. Placing the country under item 21 amounted to tacit acceptance of such acts.

A. TEITELBAUM, of the American Association of Jurists, said that the Centre for Human Rights still did not have the resources needed to carry out the mandates entrusted to it by the Commission. The technical assistance programme of the Centre should be prepared and applied with the assistance of non-governmental organizations. Until now, the advisory services programme had given priority to civil and political rights at the expense of economic, social and cultural rights. In addition, advisory services should not be used to improve the international image of a State which systematically violated human rights, he said.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/449
12 March 1993

COMMISSION CALLS FOR STUDY ON EFFICIENCY OF HUMAN RIGHTS MECHANISMS, STANDARDS AND PRACTICES; VOTE IS 33-16-3

Other Resolutions Deal with Rights of AIDS Patients, Effect on Human Rights of Terrorist Groups, Drug Traffickers

GENEVA, 9 March (UN Information Service) -- The Commission on Human Rights this afternoon called for a report by the Secretary-General on the functioning of the various mechanisms established for supervision, investigation, and monitoring of the implementation of treaty obligations entered into by States in regard to human rights and existing international standards. A resolution to that effect was approved by a roll-call vote of 33 in favour to 16 against with 3 abstentions.

A number of member States objected to what they described as its critical tone and duplication of work already assigned to the upcoming World Conference on Human Rights. Moreover, they said, the study would add work to an already overburdened Secretariat. The United Kingdom said the measure seemed "the equivalent of pulling up a plant by its roots to see if it is healthy". Delegations in favour of the resolution said the efficiency of the Commission's methods and operations was critical and deserved close scrutiny.

Among 12 other resolutions adopted this afternoon were texts calling on States to respect the human rights of AIDS patients and their families, requesting special rapporteurs and working groups to pay particular attention to the effects on human rights of terrorist groups and drug traffickers, and recommending that the General Assembly declare an international decade for human rights education.

As the meeting ran well into the night, agenda items on advisory services in the field of human rights, the human rights of migrant workers, and the effects of scientific and technological development on human rights were debated and concluded. The Commission also took up the matter of drafting a declaration on the right and responsibility of individuals, groups, and social agencies to promote and protect human rights.

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For information media--not an official record

Statements were made by the representatives of Pakistan, China, Australia, and Chile, and by the observers for Morocco, Senegal, Yugoslavia (Serbia and Montenegro), Iceland (on behalf of the Nordic countries) and Iraq.

The following non-governmental organizations also spoke: the International Fellowship of Reconciliation, the Andean Commission of Jurists, the Commission of the Churches on International Affairs, the Women's International League for Peace and Freedom, the International Indian Treaty Council, the Sierra Club Legal Defense Fund, Inc., the World Federation of Democratic Youth, Centre Europe-Tiers Monde, the International Association of Educators for World Peace and International Educational Development.

Action on Resolutions

In a resolution on the thematic procedures for human rights (document E/CN.4/1993/L.54), adopted without a vote, the Commission encouraged Governments to respond expeditiously to requests for information made to them through the procedures, so that the thematic special rapporteurs concerned, the Working Group on Enforced or Involuntary Disappearances and the Working Group on Arbitrary Detention could carry out their mandates effectively. It also encouraged Governments encountering problems in human rights to cooperate more closely with the Commission through the pertinent thematic procedures and encouraged the thematic special rapporteurs and working groups to follow closely the progress made by Governments in their investigations.

The Commission requested the thematic special rapporteurs and working groups to include gender data in their reports, and requested the Secretary-General to consider the possibility of convening a meeting of all the thematic special rapporteurs and the chairmen of working groups of the Commission to allow for an exchange of views and closer cooperation.

A resolution on the consequences on the enjoyment of human rights of acts of violence committed by armed groups that spread terror among the population and by drug traffickers (document E/CN.4/1993/L.69), adopted without a vote, requested all special rapporteurs and working groups to continue paying particular attention to the adverse effect on the enjoyment of human rights of such acts of violence committed by armed groups, regardless of their origin, that spread terror among the population, and by drug traffickers. It encouraged non-governmental organizations to bear in mind the adverse effect on the enjoyment of human rights of the acts of violence committed in many countries by armed groups, and requested the Secretary-General to continue collecting information on the question from all relevant sources and to make it available to special rapporteurs and working groups.

Under a resolution on the development of public information activities in the field of human rights, including the World Public Information Campaign for Human Rights (document E/CN.4/1993/L.70), the Commission encouraged the Centre for Human Rights to continue its review of the programme of translation of human rights instruments, with a view to increasing both the range of instruments translated and the number of language versions produced and making full use of the assistance of national non-governmental organizations. It

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requested the Department of Public Information (DPI) to make every effort to ensure the broadest possible availability and dissemination; urged the Secretary-General to utilize more fully and effectively United Nations Information Centres for the purpose of disseminating basic information and reference materials; and requested him to ensure that recent periodic reports of States parties to treaty-monitoring bodies, the summary records of discussions on them and the concluding observations adopted by the relevant body, be available in the Information Centres of the countries which had submitted those reports.

The Commission requested DPI to make full use of its available resources to produce audio-visual materials on human rights issues; stressed the need for close cooperation between the Centre for Human Rights and the Department, inter alia, in the implementation of the World Public Information Campaign for Human Rights; and encouraged all Member States to make special efforts, particularly in view of the forthcoming World Conference on Human Rights, to provide, facilitate and promote publicity for the activities of the United Nations in human rights.

In addition, it urged all Member States to include in their educational curricula, at the primary, secondary and post-secondary levels, materials relevant to a comprehensive understanding of human rights issues; requested the Secretary-General to make provisions in the regular budget of the United Nations for increased resources for activities within the framework of the World Public Information Campaign for Human Rights; requested him, in the light of the efforts currently under way within the Secretariat, to carry out a comprehensive review of the human rights information programme and of any views expressed during the World Conference on Human Rights; and further requested him to submit to the Commission, at its fiftieth session, a report on public information activities with special emphasis on the activities of the World Public Information Campaign for Human Rights.

On strengthening of the rule of law (document E/CN.4/1993/L.71), the Commission reiterated the need to consider means by which the United Nations system could make a more positive and significant contribution to the development and strengthening by Member States of the rule of law as an essential factor for the promotion and protection of human rights and fundamental freedoms. To be considered in that connection would be the establishment of mechanisms that could contribute substantial technical and financial assistance to operational human rights-related projects in areas such as law enforcement, the administration of justice and others.

In a resolution on regional arrangements for the promotion and protection of human rights (document E/CN.4/1993/L.72), the Commission invited States that did not have them, to consider agreements with a view to the establishment within their respective regions of suitable regional machinery for the promotion and protection of human rights. It stressed the importance of the programme of advisory services in human rights and renewed its appeal to all Governments to consider making use of the possibilities offered by the United Nations under that programme. It further invited the organizers of regional meetings convened in preparation for the World Conference on Human

Rights to promote adherence to United Nations human rights treaties and the implementation of universally accepted human rights standards. Other provisions stressed the importance of continuing to pay special attention to the most appropriate ways of assisting, at their request, countries of the different regions under the programme of advisory services; and to make, where necessary, the relevant recommendations; and requested the Secretary-General to submit to the Commission, at its fifty-first session, a report on the state of regional arrangements for the promotion and protection of human rights.

A resolution on strengthening of the Centre for Human Rights (document E/CN.4/1993/L.73) requested the Secretary-General to enhance the role and importance of the Centre as a coordinating unit within the United Nations system with respect to human rights; to ensure that sufficient resources were accorded to the Centre to enable it to undertake all its functions, in full and on time; and also requested him and the competent United Nations bodies urgently to implement the relevant recommendations of the World Conference on Human Rights with regard to securing the necessary financial and other resources for strengthening the Centre for Human Rights.

With regard to the protection of human rights in the context of human immunodeficiency virus (HIV) or acquired immunodeficiency syndrome (AIDS) (document E/CN.4/1993/L.74), the Commission called upon all States to ensure that their laws, policies and practices introduced in the context of AIDS respected human rights standard. It further called upon States to take all the necessary steps to ensure the full enjoyment of civil, political, economic, social and cultural rights by people with HIV or AIDS, their families and those in any way associated with them and people presumed to be at risk of infection, with particular attention to women, children and other vulnerable groups; urged the inclusion in AIDS programmes of measures to combat social stigmatization and discrimination; and invited the Human Rights Committee, the Committee on Economic, Social and Cultural Rights and similar bodies to give full attention to monitoring States parties' compliance with their commitments under the relevant human rights instruments regarding the rights of people affected by HIV or AIDS.

On the matter of civil defense forces (document E/CN.4/1993/L.75), the Commission requested the Secretary-General to prepare, within the existing resources, and to submit to the Commission on Human Rights at its fiftieth session, a report containing a summary of any additional information and comments received concerning civil defence forces and their relation to the protection of human rights and fundamental freedoms. It invited the special rapporteurs and working groups concerned to continue to pay due attention to the matter within their mandates.

Under a resolution on national institutions for the promotion and protection of human rights (document E/CN.4/1993/L.77), the Commission encouraged States to take appropriate steps to promote the exchange, including by national institutions, of information and experience concerning the establishment and operation of such institutions; requested the Secretary-General to give high priority to requests from Member States for assistance in that connection; and requested the Centre for Human Rights to

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continue its efforts to enhance cooperation between the United Nations and regional and national institutions, particularly in the fields of advisory services and technical assistance.

The Commission requested the Secretary-General to finance attendance by representatives of national institutions from developing countries at the World Conference from the voluntary fund for the Conference, and to prepare a report for the Conference on possible means of assisting the establishment and strengthening of national institutions through international cooperation. It encouraged Member States and competent bodies to give appropriate attention to such national institutions in the context of their preparations for the World Conference.

In a resolution on education and human rights (E/CN.4/1993/L.78), the Commission called upon States to step up efforts to eradicate illiteracy and provide the necessary facilities to ensure access by their entire population to all-around education as an essential element in their development; called for joint efforts to introduce all-around education as a matter of high priority, and to include within it the subject of human rights; and recommended that particular account should be taken of the multi-ethnic character of various societies and of respect for the identity and needs of groups such as minors, women, indigenous persons, racial minorities, the disabled and others.

Furthermore, the Commission urged international technical and financial cooperation agencies to include human rights education programmes and to allocate funds for their implementation; recommended that the General Assembly take the appropriate measures to declare a decade for human rights education, incorporating a world campaign for the dissemination and knowledge of fundamental rights through education; and requested the Secretary-General to submit to the Commission at its fiftieth session a detailed report on action taken in relation to the declaration.

On regional arrangements for the promotion and protection of human rights in the Asian and Pacific region (document E/CN.4/1993/L.79), the Commission encouraged United Nations development agencies in that region to coordinate with the Economic and Social Commission for Asia and the Pacific in their efforts to promote the human rights dimension in their activities, and encouraged all States in the region to consider further the establishment of regional arrangements for the promotion and protection of human rights. It appealed to all Governments in the region to consider making use of the possibility offered by the United Nations to organize, under the programme of advisory services and technical cooperation for the promotion and protection of human rights, information and/or training courses at the national level for appropriate Government personnel on the application of international human rights standards and the experience of relevant international organs.

With regard to the effective functioning of the various mechanisms established for supervision, investigation and monitoring of the implementation of the treaty obligations entered into by States in regard to human rights and existing international standards (document

E/CN.4/1993/L.111), the Commission expressed its conviction that the strengthening of the role to be played by the United Nations system in the promotion, protection and full realization of all human rights in keeping with the Charter required increasingly efficient functioning of all the existing or any future mechanisms, as well as suitable methods of work on the part of the Commission.

It requested the Secretary-General to submit to the Commission, at its fiftieth session, a report on: (a) the original mandates assigned to the various treaty and non-treaty mechanisms established for the supervision, investigation and monitoring of the implementation of the provisions of international legal instruments and standards in that regard; (b) the international legal norms and standards on which existing non-treaty mechanisms now based their activities, as well as the conceptual framework, methods of work and procedural rules that each had deemed it advisable to apply in the discharge of its mandate; (c) the various norms, criteria and practices established by each of the various existing mechanisms in regard to the admissibility of communications, as well as the preliminary consideration and evaluation of communications, their referral to the interested parties and the subsequent course followed in connection with them; (d) the criteria used in practice by the Centre for Human Rights to channel communications received on those issues, either to existing public machinery or to bodies provided for in the confidential procedure established under Economic and Social Council resolution 1503 (XLVIII), together with the legal foundation for such criteria.

That resolution was approved by a roll-call vote of 33 in favour to 16 against, with 3 abstentions as follows:

In favour: Angola, Argentina, Bangladesh, Barbados, Brazil, Burundi, Chile, China, Colombia, Costa Rica, Cuba, Gabon, Gambia, Guinea-Bissau, India, Indonesia, Iran, Kenya, Lesotho, Libya, Malaysia, Mauritania, Mexico, Nigeria, Pakistan, Peru, Sri Lanka, Sudan, Syria, Tunisia, Uruguay, Venezuela and Zambia.

Against: Australia, Austria, Bulgaria, Canada, Czech Republic, Finland, France, Germany, Japan, Netherlands, Poland, Portugal, Romania, Russian Federation, United Kingdom and United States.

Abstentions: Cyprus, Mauritius and Republic of Korea.

In explanation of vote, M. R. MORLAND (United Kingdom) said that resolution seemed to be an example of the overlap and duplication that it sought to prevent. A similar resolution had been adopted under agenda item 18. The study was too much, given the workload of preparing for the World Conference. In any case, a thorough study was not needed where reasonable informal consultations would do. An audit was not needed, as it seemed the equivalent of pulling up a plant by its roots to see if it was healthy.

P. WENSLEY (Australia) said his country opposed the resolution as its substantive elements did not focus on effective functioning of machinery, but would lead to duplication and extra work for an already overburdened agency.

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The contents of the resolution had already been overtaken by events. The World Conference would deal with effective functioning of human rights mechanisms. The matter had been dealt with under a resolution already passed.

J. A. LINDGREN ALVES (Brazil) said that if the fourth preambular paragraph applied only to the confidential procedure, that would allow Brazil to vote in favour of L.111.

HANNU HALINEN (Finland) opposed the resolution on the grounds that it did not properly address the issue of the efficiency of the mechanisms for human rights. It also would place an unjustified burden on the secretariat.

S. HESSEL (France) said the text was a general expression of absence of trust in the Commission, the Centre for Human Rights, and the various special rapporteurs and experts.

ALEXEL ROGOV (Russian Federation) shared the arguments offered in opposition to the resolution. Russia had not been consulted concerning the draft and was opposed to hasty consideration of such issues, particularly before the World Conference.

ROSS HYNES (Canada) said his country had strong reservations about the contents of the resolution. It addressed important issues, but suggested that the United Nations human rights system suffered from fundamental defects which Canada was not sure about. Also, the World Conference would deal with precisely the same subject.

C. STROHAL (Austria) said the resolution seemed incomplete and ill-timed. Moreover, another resolution on the topic had already been adopted under the appropriate agenda item. Also, the resolution lacked a sense of appreciation of the work done by special rapporteurs and experts on behalf of the Commission.

J. K. BLACKWELL (United States) said the net effect of the resolution would be to impede the Commission's human rights machinery.

Another resolution approved today dealt with strengthening of United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity (document E/CN.4/1992/L.62). It expressed the conviction that an impartial and fair approach to human rights contributed to the promotion of international cooperation and to the promotion, protection and effective realization of human rights and fundamental freedoms; and called upon States to refrain from activities that were inconsistent with the international legal framework. It further requested the Secretary-General, on the basis of comments made by Governments, to submit to the Commission at its fiftieth session, a comprehensive report on ways of promoting international cooperation and strengthening United Nations action in human rights. And it stressed the need for the World Conference on Human Rights to study all aspects of human

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rights on the basis of the principles of universality, indivisibility, objectivity, impartiality and non-selectivity, in order to ensure that its results were fair and balanced.

Statements

DAVID LITTMAN, of the International Fellowship of Reconciliation, said that, with regard to advisory services in the field of human rights, the mechanisms laid down by the United Nations had not functioned as expected since 1959.

M. HOURORO, observer for Morocco, said that few scholarships had been awarded to individuals in the field of human rights. The purpose behind such scholarships was to enlarge the knowledge of human rights by the individuals who were already engaged in that field. It was regrettable that the Centre for Human Rights was not able to pursue its activities in that regard because of the lack of human and material resources. The scholarships distributed to those qualified for the award were not given equitably. The programme adopted in 1988 itself did not specify the criteria to be applied in the selection of the candidates.

AIOUNE SENE, observer for Senegal, said the international community had a responsibility to promote human rights and the Commission should not confine itself to mere denunciations of abuses, but take practical measures to help States to improve their situation. Advisory services were important tools. Assisting national human rights agencies was a good way to proceed -- they were a good investment in the future. Regional meetings also helped. Without more resources for technical assistance, no rapid progress could be expected. There was a continuing imbalance between the North and the South -- the South was short of economic wherewithal for fostering human rights and needed assistance. Bilateral help by industrial countries in the field of human rights was greatly appreciated.

ELENA MANITRAS, of the Andean Commission of Jurists, said advisory services were not adequate to halt violations under some regimes. Services should be monitored closely when provided to regimes that had persistent records of abuses. Experts should be appointed to consult with Government authorities, non-governmental organizations and society at large, and report back to the Commission. Continuing human rights problems should result in suspension of advisory services and consideration of other measures. Colombia was a case in point, having received advisory services since 1988, although human rights there had not improved.

OLGA SPASIC, observer for Yugoslavia (Serbia and Montenegro), said the unjust and humiliating sanctions imposed by the Security Council had speedily affected the lives of children in an adverse way. The percentage of poor was growing rapidly. Hundreds of thousands of refugees consisting mostly of women and children needed to be cared for. The condition of children had deteriorated to such a level that their basic rights were violated. There was fear, want, animosity and hatred. All left grave psychological scars. Lack of drugs, heating, and sanitary material meant children's health could not be

assured. There was an extreme shortage of blood products and education had been interrupted. How long could the United Nations and signatories of the Convention on the Rights of the Child violate the document by continuing to impose that embargo? she asked.

MUSHAHID HUSSAIN (Pakistan) said that migrant workers initially landed in the countries of their choice as economic refugees. But more often than not, migrant workers drawn from Europe, including East European countries, were more eagerly accepted while those from the third world had often been turned back with tragic human consequences. The continuing saga of the boat people was instructive in that regard. Many migrant workers, who were said to have overstayed their welcome in their host countries in the West, had been recruited via official recruitment policies by host Governments back in the 1950s and 1960s. The implementation of the International Convention on the Protection of the Rights of all Migrant Workers both in letter and spirit would help to end some of the injustices which migrant workers had to suffer. They often worked in sub-human conditions, but at the same time contributed to the economies both of their adopted and their mother countries.

MARIETTE GRANGE, of the Commission of the Churches on International Affairs, congratulated Egypt for having been the first State to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. At least 70 million people, more than one in every 50 human beings, had crossed borders as migrants or refugees, according to figures provided by the International Organization for Migration and the United Nations High Commissioner for Refugees (UNHCR). The rising hostility expressed towards migrant workers and other foreigners in many societies, obviously exacerbated by the traumas of recession and unemployment, appeared to be a malignant cancer spreading across those societies.

The media had highlighted an unparalleled series of attacks on foreigners in Germany and in other European countries since last year, she said. However, that news focus on Europe should not overshadow the fact that the violations of rights and of the basic dignity of migrants had become a world-wide phenomenon. In a complex and volatile world, migration required the development of an orderly and structured international framework. The United Nations bodies concerned should be adequately strengthened to facilitate that process.

LUCINDA CHISZAR, of the Women's International League for Peace and Freedom, said the significance of the Convention for women could not be overstated. Many women were not only victimized as workers, with no proper employment contracts and appalling work conditions, but they were also victimized as women and as "foreign" women. Some 2,000 or more Burmese women were working in brothels along the Thai border. Women were lured by the false promises of jobs or were kidnapped. There were also migrant work placement agencies which claimed they would place them in restaurant or hospital work but which in fact placed women in nightclubs where they were forced into prostitution. The Filipina nightclub hostesses in Germany were well known and documented. On the other hand, women working as domestic servants were often physically and mentally abused, as had been documented in the case of Sri

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Lankan domestic servants in West Asia. There was also the deplorable situation of women who were the wives, mothers and daughters of men who migrated abroad for employment; denied normal family life for years on end, they became the victims of systems that refused to acknowledge their right to be reunited with their male family members.

ROSEANNE OLGUIN, of the International Indian Treaty Council, said the inhuman conditions of migrant workers had not improved and the migration of peoples caused by distressed economies and oppressive political situations continued to escalate. People fleeing from intolerable situations in an effort to better their situation were instead finding themselves trapped as indentured slaves. In the United States, migrant farmworkers suffered dramatically because of poverty, malnutrition and disease. Agriculture was one of the top three occupations for death and injury and the highest for deaths of migrant children. Workers had no health benefits, and, if undocumented, they were not accepted by Government health services. Thousands of women migrants employed as au pair workers in the United States were often held as indentured servants and sex slaves by their employers.

LAURI ADAMS, of the Sierra Club Legal Defense Fund, Inc., said the problems that beset migrant workers and their families included significant environmental aspects. Migrant workers, often treated as expendable people, had suffered the brunt of environmental irresponsibility in nearly every country where they lived and worked. In the United States, for example, the health and sanitary conditions of migrant workers continued to be of great concern. Protection of migrants' rights was not meaningful unless protection of their environment was included. The standards of fitness, safety and health, and the principles of human dignity included standards of environmental hygiene that precluded exposure to dangerous pesticides and unsanitary conditions.

Adverse effects, she said, could include increased pollution, land degradation and desertification, and deforestation caused by intensive gathering of wood for shelter and fuel. While the Migrant Workers Convention represented a very positive step, there was extreme disappointment that in the two years since it was adopted and opened for signature by the General Assembly, there had been little adherence to it.

BORDIU ALEXENDRE, of the World Federation of Democratic Youth, said migrant workers in developing countries were excluded from real integration into the societies of those countries and lived in ghettos. Their children were also deprived of proper education. Such exclusion of the migrant workers had favoured the development and increase of racism and xenophobia. To improve the situation, the different communities had to contribute to the integration of the migrant workers.

C. OZDEN-NEURY, of Centre Europe-Tiers Monde, said the victories won in all the battles fought for human rights were confined to those who were citizens of countries. Non-citizens, such as migrants, were confused with foreigners and left out of the rights that concerned them. They lived in countries, paid taxes there, raised their children there, but had no voice.

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Extremists attempted to propagate xenophobia, racism and isolationism. Those fascist moves in Europe required a firm response. It was time to base citizenship not on nationality but on residence. That included the right to vote and to be elected where one resided, after a period to be determined. It did not mean loss of identity or assimilation. It did not mean exclusion but equality. That was a way to make all people responsible citizens and participants in society.

WEGGER STROMMEN (Norway), speaking on behalf of Jan Helgesen, introduced the report of the eighth session of the Working Group on drafting a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms (document E/CN.4/1993/64). The mandate of the Group was aimed at the more effective realization of the rights already recognized or implicit in existing international instruments, he said. The draft declaration addressed itself particularly to the cases of individuals and groups working to promote and protect human rights -- those who were sometimes known as human rights defenders.

The persecution and dangers faced by human rights defenders in many parts of the world remained a pressing preoccupation, he said. It was the prevailing view in the Commission that it had a special responsibility to do everything within its power to extend protection. The laborious efforts of the Working Group were close to bearing fruit. Several of the most difficult outstanding issues had been solved at this year's session. The difficult question of funding of the activities of human rights defenders had been brought to a successful conclusion, which was a considerable achievement. The Working Group had further made substantial progress in dealing with the complex issues known as duties and responsibilities. Several difficult and substantive matters remained to be tackled. It was hoped that the Group would be able to successfully conclude the second reading of the draft at its next session.

SHAO WENHONG (China), commenting on what she described as loopholes and shortcomings of the current draft declaration on the right and responsibility of individuals, said the declaration should reflect the interdependence of the two categories of human rights, particularly the basic human rights to subsistence and development which were of great concern to the developing countries. Since each country had its own conditions, the action taken by each State in accordance with the will of its own people to fulfil its responsibilities and obligations in protecting and promoting human rights should be given the necessary respect. The unity of rights and obligations of individuals was a universally applicable principle in the laws of all countries. Protection of human rights and fundamental freedoms was not contradictory to the principle of respect for State sovereignty as stipulated in the Charter.

CHRISTIAN BENNETT (Australia) said her country supported the efforts of the Working Group. Welcome progress had been made on many of the difficult issues in the draft declaration. The persecution and dangers faced by human rights defenders in many parts of the world persisted. It was noteworthy that

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a number of non-governmental organizations had participated in the work of drafting a declaration in an active and constructive way. Their involvement and approach confirmed that human rights defenders themselves saw value in such a declaration. It was hoped that the Working Group would be able to submit the draft declaration to the Commission for endorsement at its fiftieth session.

MUSHAHID HUSSAIN (Pakistan) stated that the question of human rights and the environment was inextricably linked to the right to development and, more fundamentally, to the right to survival. The right to survival with dignity was a fundamental human right, yet almost half the world's population did not enjoy that right. A massive global initiative needed to be undertaken for ecological regeneration and restoration of the natural resource base on which the poor depended for their survival. In Asia, Africa and Latin America, village communities needed to improve their local agro-systems through afforestation, land development, soil conservation and small-scale energy development. If employment could be generated on a wider basis in the regeneration of the environment, the twin evils of poverty and ecological degradation could be arrested and, hopefully, banished.

M. ALFONSO MARTINEZ (Cuba) said it was clear that some important issues of the draft declaration were still pending. Those included the concept of "universally recognized human rights", which had never been completely defined, as well as the territorial scope of the activities referred to. The text was, however, in an advanced state. The declaration was not meant to create new rights, but to set out the general scope of the existing ones and to define duties and responsibilities. The Universal Declaration had not clearly defined the duties of individuals towards society. He advised against any attempts to revise the preamble of the text, as that would open up the entire debate again.

STAFAN H. JOHANNESSON, observer for Iceland, speaking on behalf of the Nordic countries, said that human rights and democracy were making progress in various places in the world. Yet the real defenders of human rights, most of them at the local or national level, all too often risked suffering all kinds of discrimination, mistreatment and even death. The work of the Group on human rights defenders was in general directed at the more effective achievement of rights already recognized in existing international instruments. It was an effort to extend protection to brave individuals and groups in their struggle to promote and encourage respect for human rights and fundamental freedoms.

The Nordic countries saw the declaration as the possible charter for human rights defenders. After many years of work, it was hoped that the efforts undertaken in the Group would soon come to a successful conclusion. The courage shown by the human rights defenders should be matched by the work for human rights within the United Nations and the least one could do was to seek to give those brave individuals, groups and non-governmental organizations the protection they deserved.

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P. OYARCE (Chile) said the concept of universality of human rights, the territorial scope and the issue of financing those working for human rights were important subjects of consideration in the draft declaration. Some legal and political work still remained to be done. He hoped that the second reading would make it possible to achieve a text which would strengthen the protection and promotion of human rights.

A. ATTAYOUB, of the International Association of Educators for World Peace, said that the Tuareg population in Mali and Niger were undergoing great suffering because of the repressive Governments that used all means to silence them since the massacre of Tchin-Tabaraden, in Niger, which had resulted in the deaths of more than 1,000 Tuaregs. The repression was extended to the northern parts of Niger and Mali where the Tuaregs had settled. More than 100,000 had been obliged to flee to Algeria, Mauritania and Burkina Faso. In Mali, the armed forces had so far killed more than 10,000 civilians since June 1990. Towns like Gao and Timbuctoo were literally evacuated. In Niger, the regions where the Tuaregs lived were under a state of emergency.

MOHAMMED A. AL-DOURI, observer for Iraq, speaking on the progress of scientific research and human rights, said that in his country scientific regression was dramatically taking place. Because of the economic embargo against Iraq, all research looking towards scientific progress was regressing. Students engaged in that research lacked facilities. Highly sensitive instruments were not reaching Iraq because of the embargo. Teachers and students were excluded from world-wide scientific progress. The destruction of scientific and academic centres had hampered young Iraqis from pursuing their studies. The weapon of the economic embargo had increased the misery of the many families who wished to send children to school. Iraq was buying the necessary equipment and study materials at expensive prices.

KATHERINE ORR, of the Women's International League for Peace and Freedom, said that the rights of humankind could not be advocated without acknowledging the interdependence of people and the earth. Existence, as such, was the most basic human right. Environmental damage was in itself a violation of human rights. Those violations were aggravated by a public uninformed of governmental activity and by the use of force. The military forces of many countries violated human rights in their exploitation of the environment and they violated the environment in their disregard of human rights, she said, referring to the Philippines, Brazil, the Russian Federation, the United States, Viet Nam, Eritrea, Ethiopia, El Salvador and Iraq. Excessive military spending was diverting resources from health, education and the environment. At a time when budgetary pressures were increasing in all areas, that represented a dangerous neglect of basic human needs. She called upon the Commission to provide the needed resources to carry out serious studies on the interrelationship between human rights and the environment and not to neglect the negative effects military activities had on human rights.

PIERRE PORRET, of the International Fellowship of Reconciliation, warned that deteriorating conditions of life on the planet, whether caused by the military or industry, could become one of the major problems of mankind. The United Nations system should give special attention to the degradation of the

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environment, he said. Because of its nature, the tropical forest in particular, was endangered and deforestation had converted the land into desert. The exploitation of tropical woods and the destruction of the trees had contributed to the degradation of the environment.

KAREN PARKER, of International Educational Development, said the introduction of the chemical substance AZT into HIV-positive but otherwise healthy persons was based on unproven theories that human immunodeficiency virus (HIV) was the direct cause of acquired immune deficiency syndrome (AIDS). That substance, not AIDS, ultimately resulted in their premature deaths. Based on Dr. Robert C. Gallo's unproven hypothesis that HIV was the sole and direct cause of AIDS, the United States Public Health Service had embarked on a campaign that continued to state that HIV would be controlled by getting tested for the "AIDS virus" and starting early intervention in the event of a positive test result. That dogmatic hypothesis based on the findings of a person convicted of scientific fraud was either directly or indirectly responsible for the premature deaths of hundreds of thousands of people world-wide. She urged the United Nations to intervene against propaganda with regard to the unfounded hypothesis that HIV was the direct cause of AIDS and to urge a ban on the use of AZT.

LAURI ADAMS, of the Sierra Club Legal Defense Fund, welcomed efforts made to control the movement of toxic substances through bilateral and multilateral treaties and expressed dismay over the abstention of most of the Western Governments in the vote on Commission resolution 1991/47 concerning efforts to control the illegal movement and dumping of hazardous substances. Those abstentions seemed particularly self-serving and did little to contribute to meaningful solutions to problems that threatened all, she said. Environmental factors also affected economic, social and cultural rights such as the rights to health, education, housing and employment. And they affected issues such as population transfers, refugees, extreme poverty and the rights of indigenous peoples. The Fund had been dismayed at the reluctance of the United States to actively support that work. She hoped that promised changes by the new Administration in the United States would result in a more thoughtful understanding of the issue and its extreme relevance in any human rights regime.

C. OZDEN-NEURY, of Centre Europe-Tiers Monde, said that Somalia had for many years seemed to be favoured as a destination for the export of toxic waste. According to the press, a Swiss company had agreed to such traffic with the Government of President Ali Mahdi. That company appeared to be no more than a postal box. The OAU had protested against the traffic. His organization expected the Swiss, Italian and other implicated countries to carry out investigations. According to the Basel Convention, it was up to exporting countries to make sure that their exported toxics were correctly treated.

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